

defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of Georgia State Sociological Society, of Atlanta, Ga., favoring a laboratory in the Department of Justice—to the Committee on the Judiciary.

By Mr. ALLEN of Kentucky: Petition of T. B. Darne and others, of Hanson, Ky., for the removal of tax upon tobacco—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petition of E. G. Benninger and others, of Buffalo, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Papers to accompany House bill 7222, for increase of pension of Nathan Goodman—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of C. L. Woodward and others, favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petitions of Woman's Christian Temperance Unions of Cochranville and Atglen, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Petition of La Crosse Presbytery, Galesville, Wis., for the establishment of a laboratory in the Department of Justice at Washington for the study of the criminal classes—to the Committee on the Judiciary.

By Mr. GRIFFITH: Petition of S. M. Fish and J. M. Tobias, of Paris Crossing, and druggists of Rising Sun, Ind., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. HAY: Papers to accompany House bill relating to the claim of James H. Hottel—to the Committee on War Claims.

Also, paper relating to the claim of Noah Royer—to the Committee on War Claims.

By Mr. KETCHAM: Petition of E. F. Terwilliger and other druggists of Dutchess County, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. LACEY: Petition of W. M. Avery and others, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to Sampson Parker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for a pension to John R. Ward—to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill for increase of pension of Israel Roll—to the Committee on Invalid Pensions.

By Mr. NEVIN: Paper to accompany House bill to correct the naval record of William F. Dammuer—to the Committee on Naval Affairs.

Also, petition of florists of Butler County, Ohio, asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Maria L. Randall and others—to the Committee on Invalid Pensions.

By Mr. OTJEN: Resolution of Milwaukee common council, in favor of House joint resolution 144—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON of Tennessee: Petition of Thacher Medicine Company, Chattanooga, Tenn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, petition of heir of Thomas Hord, deceased, late of Rutherford County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SMITH of Kentucky: Papers to accompany House bill granting a pension to James A. Mattingly—to the Committee on Invalid Pensions.

Also, petition of the heirs of G. W. Upton, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Paper to accompany House bill granting an increase of pension to Benjamin Cooper—to the Committee on Invalid Pensions.

By Mr. TOMPKINS of New York: Petition of Horace E. Davis for increase of pension—to the Committee on Invalid Pensions.

Also, paper to accompany bill for a pension to Abram Wilson—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill 15762, granting a pension to Nancy Rice—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, December 9, 1902.

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

## FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *William*, Nathaniel Curtis, jr., master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel pilot boat *Zephyr*, Edward Hansford, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 215) regulating the duties and fixing the compensation of the customs inspectors at the port of New York.

## MEMORIAL ADDRESSES ON THE LATE SENATOR WILLIAM J. SEWELL.

Mr. KEAN. Mr. President, I desire to give notice that on Wednesday, the 17th of December, at some convenient hour, I shall submit resolutions in regard to the death of my late colleague, WILLIAM J. SEWELL, in order that appropriate tribute may be paid to his memory. Circumstances have been such that I have heretofore been unable to present the resolutions.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate a telegram in the nature of a petition, which will be read:

The telegram was read, and ordered to lie on the table, as follows:

[Telegram.]

GUTHRIE, OKLA., December 8, 1902.

HON. PRESIDENT OF SENATE, Washington, D. C.:

Commercial Club and citizens generally mass meeting to-day earnestly and unanimously urge passage omnibus statehood bill. Single statehood advocates agree conditions not ripe for Beveridge bill.

K. E. BALL,

Mayor.

C. M. BARNES,

President Commercial Club.

FRANK B. LUCAS,

Secretary.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits: which was referred to the Committee on Finance.

Mr. BURTON. I present resolutions unanimously adopted at a meeting of the Commercial Club of Kansas City, November 25, 1902, which I ask may be read and lie on the table, the bill on this subject having already been reported from the Committee on Territories.

There being no objection, the resolutions were read and ordered to lie on the table, as follows:

Resolutions unanimously adopted at the meeting of the Commercial Club of Kansas City, November 25, 1902.

Resolved, That the Commercial Club of Kansas City is in favor of the admission to statehood of Oklahoma, New Mexico, Arizona, and Indian Territory as soon as practicable.

We believe that the rapid growth in population, the increase in wealth and commercial importance, and the energy and patriotism of the people of those Territories will make their admission as States beneficial to the country at large as well as to the Territories themselves. We believe that the time has come when Congress should speedily provide that all the Territories upon the continent, except the District of Columbia and Alaska, should be organized as States, and thus be given equal rights and equal opportunities.

Resolved further, That the secretary be requested to send a copy of these resolutions to the United States Senators and Members of the House of Representatives from Missouri and Kansas.

Attest:

E. M. CLENDENING,

Secretary.

Mr. GALLINGER presented a petition of the Citizens' Northwest Suburban Association of Washington, D. C., praying for the enactment of legislation providing that current revenues be applied only to current expenditures, and that extraordinary public improvements made necessary for the development of the

future and greater Washington be paid for out of advances from the Treasury of the United States, to be reimbursed by annual installments from District revenues; which was referred to the Committee on the District of Columbia.

Mr. FOSTER of Washington presented the petition of R. I. Elliott, of Tacoma, Wash., praying for the enactment of legislation to amend section 4921 of the Revised Statutes, relating to patents; which was referred to the Committee on Patents.

Mr. WETMORE presented petitions of Prescott Post, No. 1, of Providence; of Ballou Post, No. 3, of Central Falls; of Arnold Post, No. 4, of Providence; of Reno Post, No. 6, of East Greenwich; of Farragut Post, No. 8, of Riverside; of Smith Post, No. 9, of Woonsocket; of Slocum Post, No. 10, of Providence; of Thomas Post, No. 11, of Appenang; of Rodman Post, No. 12, of Providence; of Eves Post, No. 13, of Providence; of Charles C. Baker Post, No. 16, of Wickford; of Tower Post, No. 17, of Pawtucket; of Budlong Post, No. 18, of Westerly; of J. C. Nichols Post, No. 19, of Rockland; of Bucklin Post, No. 20, of East Providence; of Gen. G. K. Warren Post, No. 21, of Newport; of R. F. Tobin Post, No. 24, of Warren, and of George H. Browns Post, No. 25, of Providence, Department of Rhode Island, Grand Army of the Republic, in the State of Rhode Island, praying that an appropriation be made for the erection of a suitable statue of General Burnside in one of the public parks in the city of Washington, D. C.; which was referred to the Committee on the Library.

Mr. MASON presented a petition of the congregation of the Parks Chapel Methodist Episcopal Church, of Urbana, Ill., praying for the enactment of legislation to regulate immigration and to prohibit the sale of intoxicating liquors in United States Government stations and buildings; which was ordered to lie on the table.

He also presented a petition of the congregation of the First Baptist Church of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in United States immigrant stations; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

#### ESTATE OF LEO L. JOHNSTON.

Mr. BLACKBURN. I present papers to accompany the bill (S. 2666) for the relief of the estate of Leo L. Johnston, deceased. I move that the papers be printed as a document and referred to the Committee on Claims for the use of that committee.

The motion was agreed to.

#### CLAIMS FOR RENT AND USE OF PROPERTY.

Mr. COCKRELL. I move that letters from the Quartermaster-General, United States Army, and from the Auditor for the War Department, relative to claims for the use and rent of property during the civil war, be printed as a Senate document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. FOSTER of Washington (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5953) granting a pension to Ann M. Green; and

A bill (S. 5508) granting an increase of pension to George J. Cheney.

Mr. FOSTER of Washington (for Mr. TURNER), from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 4023) granting an increase of pension to Alman J. Houston; and

A bill (H. R. 5321) granting a pension to Lillie May Fifield.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 5909) for the extension of Euclid avenue, reported it with an amendment, and submitted a report thereon.

#### DANIEL L. MALLICOAT.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from the further consideration of the bill (S. 4262) granting a pension to Daniel L. Mallicoat, and then that the bill be indefinitely postponed, as a House bill has already been enacted into a law for the same purpose.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Committee on Pensions be discharged from the further consideration of the bill indicated by him. Is there objection? The Chair hears none. Without objection, the bill will be indefinitely postponed.

#### FRANK SMITH.

Mr. COCKRELL. I move that the same order be made in regard to the bill (S. 882) granting an increase of pension to Frank Smith, on the ground that the pensioner has died since these proceedings.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Committee on Pensions be discharged from the further consideration of Senate bill No. 882. Is there objection? The Chair hears none, and the order is made. The bill will be indefinitely postponed.

#### BILLS INTRODUCED.

Mr. CLARK of Wyoming introduced a bill (S. 6487) relating to crimes against Indians, wards of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DEPEW introduced a bill (S. 6488) to regulate and make uniform the rights of persons furnishing to or for vessels supplies, repairs, or other necessities; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 6489) granting a pension to Frances E. Fitz-Gerald; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 6490) amending section 896 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MCENERY introduced a bill (S. 6491) for the relief of H. Gibbes Morgan and other coowners of Cat Island, in the Gulf of Mexico; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. TALIAFERRO introduced a bill (S. 6492) granting an increase of pension to Thomas Starrat; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FOSTER of Louisiana introduced a bill (S. 6493) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6494) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in Mermentau River, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FAIRBANKS introduced a bill (S. 6495) to correct the military record of William F. Lynn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6496) granting an increase of pension to John R. Thatcher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6497) for the relief of the legal representatives of Margaret A. Russell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 6498) to establish a permanent military camp ground in the vicinity of Somerset, in Somerset County, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PRITCHARD introduced a bill (S. 6499) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property; which was read twice by its title, and referred to the Committee on Patents.

Mr. GALLINGER introduced a bill (S. 6500) granting an increase of pension to Caroline W. Bixby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6501) for the relief of the widow of Joseph Culley; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a joint resolution (S. R. 139) to authorize Lieutenants Jackson, Rhett, Poole, and Chapin, Gen. H. V. N. Boynton, and Hon. H. Clay Evans to accept, respectively, a photograph of His Royal Highness Prince Henry of Prussia, tendered to each of them by the Prince; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 140) to authorize Capt. Richardson Clover, United States Navy, to accept a souvenir

coronation medal tendered to him by the King of Great Britain; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 141) to authorize Capt. Dorr F. Tozier to accept a sword from the King of Great Britain; which was read twice by its title, and referred to the Committee on Foreign Relations.

#### ANTHRACITE COAL STRIKE COMMISSION.

Mr. BERRY. I desire to offer an amendment to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, reported yesterday from the Committee on Appropriations. I ask that the amendment lie on the table and be printed. I understand from the Senator from Iowa [Mr. Allison] that the bill will go over until to-morrow.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

JOHN KENNEDY.

On motion of Mr. BLACKBURN, it was

Ordered, That John Kennedy have leave to withdraw his petition and papers from the files of the Senate, there having been no adverse report thereon

EMMA I. GRAVES.

Mr. KEARNS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Emma I. Graves, mother of George G. Graves, late a clerk in the office of the Secretary of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

#### FUNERAL OF THE LATE SENATOR JAMES M'MILLAN.

Mr. BURROWS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President pro tempore of the Senate in arranging for and attending the funeral of the late Senator from Michigan, Hon. James McMillan, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. Yesterday I gave notice that I would request the Senate this morning to consider House bill 15372, making an appropriation for the Anthracite Coal Commission, so called, but to suit the convenience of the Senators, I will ask that the bill go over until to-morrow.

Mr. MASON. I could not hear the request of the Senator from Iowa.

Mr. ALLISON. I make no request, except to give notice that to-morrow morning, instead of this morning, I will ask the Senate to consider the Anthracite Coal Commission bill.

#### THE HAGUE CONVENTION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

In response to the Senate resolution of the 4th instant, I transmit herewith a report from the Secretary of State forwarding the report of the agent of the United States in the case of the United States v. Mexico before the Permanent Court of Arbitration under The Hague Convention.

THEODORE ROOSEVELT.

WHITE HOUSE, December 9, 1902.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. Stewart] asks that 200 extra copies be printed for the use of the State Department. Is there objection? The Chair hears none, and it will be so ordered.

#### ANNUAL REPORT OF GOVERNOR OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of State accompanying the second annual report of the governor of Porto Rico, and indorse the suggestion that the interest attaching to it may warrant its being printed for the use of Congress.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, December 9, 1902.

#### BRITISH SCHOONER LILLIE.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was

read, and, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the determination of Congress as to whether relief should not be afforded to the owners of the British schooner *Lillie*, a report of the Secretary of State, with accompanying papers, showing that the vessel sustained damages by a fire which broke out within her while she was being disinfected with sulphur and while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, December 9, 1902.

#### EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. I ask unanimous consent that H. R. 15345, being the militia organization bill, be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the consideration of a bill, the title of which will be read,

Mr. QUAY. I will object for the moment.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

Mr. QUAY. I desire to call the attention of the Senator from Iowa [Mr. Allison] to the fact that to-morrow, as a special order, the bill for the admission of the Territories of Oklahoma, New Mexico, and Arizona comes before the Senate.

Mr. LODGE. At 2 o'clock.

Mr. QUAY. Is it the intention of the Senator from Iowa to interfere with the special order on that day?

Mr. ALLISON. In no respect, Mr. President. I think the statehood bill comes up at 2 o'clock.

Mr. QUAY. It does.

The PRESIDENT pro tempore. That bill will come up at 2 o'clock, and there can be no interference with it, because it comes up as the unfinished business.

Mr. QUAY. But the bill the Senator from Iowa has in charge is an appropriation measure.

The PRESIDENT pro tempore. That will not interfere with the statehood bill, unless by a majority vote of the Senate.

Mr. QUAY. Then I withdraw my objection to the request of the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. Proctor] asks unanimous consent for the present consideration of the bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

There being no objection, the bill was considered as in Committee of the Whole.

The Secretary read the bill.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. PROCTOR. Mr. President, the present militia law is 110 years old, having been passed in 1792. It is substantially obsolete, ridiculously so in some respects. Nearly every President since its adoption has recommended further legislation. Washington in six annual messages and Jefferson in six made such recommendations. I will read an extract from one of Jefferson's recommendations, which states the question tersely in three lines. In 1805 he said:

I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps for real and active service.

That is just what this measure proposes to do. The old law makes every able-bodied man in the country a member of the militia, and provides no further organization. This bill separates and makes a class which can be called into active service.

The bill, I think, was very carefully considered in the other House, and in the House report it is stated that it was unanimously recommended by the committee. It was passed with substantial unanimity.

At a convention of the adjutants-general of the United States, which was very fully attended, this matter was the special subject of consideration and was gone over very carefully, and this bill was, as I understand, unanimously recommended by them.

For a brief statement of what is proposed by the bill I can not do better than ask the Secretary to read the extract from the last report of Secretary Root which I have marked, commencing on the second page of the committee's report. I make my statement as brief as possible, in order to save time.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

The bill which has now passed the House is the result of extensive and painstaking conference among representatives of all the classes of citizens especially interested in the subject and especially qualified to express opinions upon it. It does not represent fully anyone's view, but it contains many important provisions upon which a general agreement has been reached, and it will, I am sure, if enacted, be a great step in advance toward effective preparation for war otherwise than by the maintenance of a standing army.

The fundamental idea of the bill is to recognize the value to the National Government of the National Guard, which is capable of being utilized, first, as active militia when called out by the President for the specific purposes enumerated in the Constitution; second, as an already organized volunteer force when its organizations respond as such to calls for volunteers for general military purposes under authority of Congress, and, third, as the great school of the volunteer soldier, the benefits of which are received by the country when the members of the guard respond individually to calls for volunteers. The bill undertakes to regulate and provide for these various relations of the National Guard and its members to the general system; to conform the organization, armament, and discipline of the guard to that of the Regular and Volunteer armies of the United States; to establish closer relations and better cooperation between the National Guard and the Regular Army; to promote the efficiency and dignity of the guard as a part of the military system of the United States.

To aid in accomplishing these objects and in recognition of the benefits to the General Government that come from the guard altogether outside of its service to the individual States, the bill provides that the General Government shall furnish to the guard the same arms which it furnishes to the Regular Army, and for the voluntary participation by the guard with the Regular Army in maneuvers and field exercises for brief periods in each year. The bill also contains provisions making the National guard organizations which choose voluntarily to go beyond the limitations of militia service in effect a First Volunteer Reserve, and further provisions for the enrollment of a Second Volunteer Reserve not exceeding 100,000, to be composed of trained men who have served in the National Guard or in the Regular Army or the volunteer armies of the United States. These would constitute the first volunteer regiments after the National Guard Volunteers under any call by Congress. It also provides for ascertaining by practical tests, in advance of a call for volunteers, the fitness of members of the National Guard, graduates of the military schools and colleges, and other citizens with military training, to hold volunteer commissions, thus constituting an eligible list from which in case of a call for volunteers the officers of the Second Reserve must be taken, and the officers of the general body of volunteers may be taken. With the system provided for by the bill carried into effect we should be able while maintaining a standing army of but 60,000 men to put a force of at least 250,000 well-trained men into the field instantly upon a declaration of war, and the cost would be less than to maintain but a few additional regiments of regular troops.

The military force of the United States would then be as follows:

First. The Regular Army, capable of enlargement by the President, when he sees war coming, to 100,000.

Second. Such of the organized militia (already trained as a national guard and just as valuable, when used in the manner hereinafter indicated, as any other troops) as the President shall see fit to call into the service of the United States for not exceeding nine months, to repel invasion.

Third. A First Volunteer Reserve, composed of such companies, troops, and regiments of the organized militia already trained as a national guard as volunteer by organizations with all their officers and men.

Fourth. A Second Volunteer Reserve, composed of men previously enrolled and having previous military training in the National Guard, the Regular Army, or the Volunteer Army, and commanded by officers whose fitness has been previously ascertained by practical tests under the provisions of the militia act.

Fifth. Such further volunteers as it may be necessary to call forth from the States, according to their respective quotas, and commanded by regimental officers appointed by the governors of the States.

A conservative estimate of the number which would be included in the first four classes of troops, who have already had military service and will be available for immediate action, is from 250,000 to 300,000.

The number of the fifth class—volunteers who may or may not have had previous service—has no limit, except the possibilities of transportation and supply.

The capacity of the National Guard organizations in general to serve effectively as organizations, either militia or volunteer, in the National Army in case of war depends very largely upon the aid which they receive from the National Government. The guard is now armed with a variety of weapons of different kinds and calibers, including two different calibers of the obsolete Springfield rifle, the Lee, the Remington-Lee, the Winchester, and the Krag-Jørgensen. In several instances different National Guard organizations of the same State are armed with different weapons of different calibers. Among all the 115,000 National Guardsmen of the different States and Territories only about 4,000 have the modern service rifle of the United States Army. With the exception of these 4,000 rifles, the arms of the guard would be practically worthless in time of war, not merely because they are inferior, but because the guard would have to look to the United States Government for their ammunition, and the Government will have no ammunition for the kind of rifles they carry; they would have to look to the Government to replace the arms lost or broken in service, and the Government will be unable to supply the same kind. The militia and the volunteer National Guard organizations in general would therefore be obliged to throw away their present arms at the beginning of a war and get reequipped with weapons the use of which they have never learned.

Mr. PROCTOR. Mr. President, I have no desire to hasten action unduly upon this measure, but there are special reasons why it should be acted on, if possible, before the holidays. It is probable that if adopted nearly every State, probably every one that has a militia establishment, will modify its laws somewhat to conform to this enactment. It, therefore, is very desirable that the bill shall be acted on before the meeting of the State legislatures. It relieves the States from some of the expense to which they have been subjected. Heretofore the States have had their proportionate allowance out of the appropriation of \$1,000,000 annually, whether they took it in arms or equipments. Under this measure the National Government furnishes the rifles without charging it to that appropriation, leaving that appropriation entire for the use of the States for other materials.

I thought it important to bring the matter up and to have the bill read; and if anything is required in the way of perfecting it by any amendments to be offered I had hoped they might be so offered. I should be very glad, indeed, if action could be taken on the bill, but, as I said, I do not wish to hurry it.

Mr. CULLOM. I was not in when the bill was taken up, and I desire to inquire whether any amendments to the bill have been reported by the committee?

Mr. PROCTOR. None whatever.

Mr. CULLOM. The bill, then, has been reported as it came from the other House?

Mr. PROCTOR. It has been reported precisely as it passed the House.

Mr. CULLOM. Mr. President, I desire to say but a word. I have had many letters urging attention to this bill and asking that it be passed. My judgment is that it ought to be passed. I shall favor it, and I hope that the Senator from Vermont will press it to a conclusion at once if he can.

Mr. BATE. Mr. President, I simply wish to suggest that I was not aware that this bill was to be called up when unanimous consent was asked. Knowing that there were some objections to it on the part of certain Senators, two or three of whom had spoken to me of their desire to investigate the subject and look into it more fully, I should have asked that it be postponed to accommodate them, but the Senate having acted with unanimity upon it, I shall make no objection.

I desire to say, however, that it is a bill of very grave importance, that there is some objection to it, and that some amendments, in my opinion, are required. I do not think, therefore, that it ought to be now pushed. The bill came from the Committee on Military Affairs on Thursday of last week, and now, only a day or two after, it is called up for passage. Three Senators have spoken to me about it. They not having read it and not knowing what it is, came to me, as a member of the committee, to ascertain certain facts about it.

As I have said, I do not think the bill ought to be now pushed by the Senator in charge of it, but that we ought to have some time to look into it and examine it, as it affects the rights both of States and of citizens.

I do not ask for its postponement, but I should be glad to have it deferred until some suitable time when the Senators who have spoken to me, as a member of the committee, may have had an opportunity to look into the matter and determine what they will do.

Mr. PROCTOR. As I said, Mr. President, I certainly have no desire to unduly hasten the consideration of the bill. The Senator from Tennessee will bear in mind that on last Thursday when I reported the bill I gave notice that it was my purpose to call it up at the earliest day possible; I hoped early this week. It was strictly in accordance with that notice that I called up the bill.

Mr. BACON. Mr. President, I am gratified to hear of the disposition of the Senator from Vermont to give an opportunity to Senators to examine the bill. I did not hear the announcement which he made or I certainly should have endeavored in the time which has intervened to have at least read the bill. I quite agree with the Senator from Vermont that the bill ought to be acted upon if possible before the holidays, and I shall, so far as I am concerned, endeavor to cooperate with him in accomplishing that end.

I am in thorough sympathy with what I understand to be the purpose of the bill. I think it is of the utmost importance that the militia of the country should be so organized and so perfected as to justify what must be the main reliance of the country upon it for its defense, and also with a view to make unnecessary a large standing army. At the same time, as suggested by the Senator from Tennessee, it is a matter of very grave importance and nearly touches the people of every State. For that reason I am gratified by the suggestion of the Senator from Vermont that there will be no vote taken on the bill to-day.

I do not know whether there is anything in the bill to which I shall object. Certainly I shall make no capricious objection, and I trust that there may be no reason for any amendment whatever. If there is none of a vital character, I certainly shall not endeavor to offer any amendment which might not in my opinion be absolutely necessary. I had communicated to some Senators privately my objection to the present consideration of the bill, and I simply take advantage of this opportunity to indicate further that while I do have this objection to its present consideration it is not due to any hostility of the bill, but merely to a desire that a matter which is so closely of concern to the people of my State, as well as to the people of every other State, shall be put in a position where we can all have the opportunity to at least examine it carefully before being called upon to vote on it.

Mr. WARREN. Mr. President, I think the request by the chairman of the Committee on Military Affairs, that this bill have early consideration, is a very reasonable one, because the legislatures in a large number of States, in fact, in most of them, meet either on the first or second Tuesday in January. The legislative term is limited in many of the States. In some States the constitutional limit is forty days, so that the legislative bodies will adjourn in February in a number of States. If the bill is to be amended, then there would be all the more necessity, in my judgment, to complete consideration and final action before the holiday adjournment. I trust that those who feel a particular interest in this

bill—and I assume that all Senators do—will give the bill early and careful consideration, in order that the Senator from Vermont in charge of the bill can call it up some day this week and have it finally disposed of before we adjourn for the holidays.

Mr. SCOTT. Mr. President, I understand that in a majority of the States the men who take an interest in military matters, and who are a part of the National Guard, so called, have had this bill under consideration for a year, and have thrashed it over thoroughly; and, furthermore, that they are almost unanimous in the recommendation of its passage. I have been told that there was only one adjutant-general in the United States who offered any objection to the bill, and that was a very slight one.

I think the Senator from Wyoming [Mr. WARREN] makes a very important suggestion when he says that we should act on the bill in time to get it before the legislatures of the different States so that they may enact laws to put the act into operation in a proper and forceful manner.

Mr. BACON. Will the Senator from West Virginia permit me to inquire of him whether a copy of the bill has been furnished to the adjutant-general of each State?

Mr. SCOTT. It has.

Mr. BATE. When?

Mr. SCOTT. It was before them at their meeting; and, as I understand it, this is really a bill that was perfected by them and submitted to the House. I will ask the Senator from Vermont if that is not correct?

Mr. PROCTOR. Yes.

Mr. BATE. I presume, Mr. President, that the bill in its present shape has not had time to go to the adjutants-general of the States. They certainly ought to have an opportunity to see it as it is now.

Mr. SCOTT. It passed the House on the 30th of June, if the Senator will allow me.

Mr. BATE. Yes; but the action of the Senate committee was had only last week. It was reported last Thursday morning.

Mr. COCKRELL. Mr. President, if the Secretary will please turn to section 7 of the bill, I want to offer an amendment there in order that it may be printed with the bill when it is laid aside.

In section 7, page 4, after the word "militia," in line 18, I move to insert "who shall be;" in the same line, after the word "called," to insert "forth;" after the word "forth," so inserted, to strike out "into the service of the United States;" in line 19, after the word "prescribed," to strike out "shall be held to be in such service from the date of the publication of such call" and insert "and shall be found fit for military service, shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States;" in line 20, after the word "call," to strike out "and" and insert "Provided, however, That," in line 21, before the word "man," to insert "enlisted;" in the same line, after the word "man," to insert "of the militia;" in line 21, after the word "to," to strike out "obey such call" and insert "present himself to such mustering officer upon being called forth as herein prescribed."

I now ask the Secretary to read the section as it will be as I have proposed to amend it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States: *Provided, however, That any officer or enlisted man of the militia who shall refuse or neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.*

Mr. COCKRELL. Mr. President, that amendment simply fixes very clearly the process of induction into the United States service. There has been for a good many years a controversy between the States and the United States as to when the man became a United States soldier, and it has always been considered that the United States had the right to examine the man and pass upon his fitness.

This amendment simply requires an examination and that the United States officers shall pass upon the man's fitness before he shall become entitled to the rights and privileges of a soldier. The question of pay and the date of pay, as a matter of course, is fixed in section 11. You muster a man to date back of the time. So the amendment would not change anything of that kind. The mustering was always done during the civil war, and since musters have been made, to date back sometimes a week or six weeks—in fact, I have known them to be dated back six months. I have known many instances where the United States, after soldiers have been actually discharged and out of the service, mustered them back to a certain date and then discharged them as of a certain date, in order to fix the length of their service; but they did it after an examination.

I think this is essential. It will not cause any delay in the final passage of the bill, because it can be disposed of in a very few moments, and it settles an important question. I hope it will be agreed to, and that those who do not feel favorable to action upon the bill to-day will examine it at the earliest day possible, because I think it ought to become a law in some form. I think it is in very good form now, and it ought to be acted upon in time, so that the legislatures of the various States will have an opportunity of conforming their laws to it and making them harmonize with it, in order that they may enjoy its benefits. This proposed law gives to the States far greater benefits than any militia law ever enacted or proposed, and lightens the burdens of the State in many instances. I hope the amendment will be agreed to.

Mr. PROCTOR. Does the Senator from Missouri ask to have his amendment acted upon now, or to have it printed?

Mr. COCKRELL. I should like to have it acted upon now, so that it may be printed in the bill.

Mr. BATE. It ought to be printed before it is acted upon.

Mr. PROCTOR. I will not object to that course.

I wish merely to say that this measure will surely be welcomed by the States, as it enables them to have a more efficient militia and relieves them from some of the cost—for instance, the cost of arms entirely. Now, most of the legislatures, I think, meet but once in two years, and, as the Senator from Wyoming says, with some the session is limited to forty days.

Mr. WARREN. They have biennial sessions.

Mr. PROCTOR. They have biennial sessions. It seems to me quite important that the measure should be acted upon before the holidays, and as there evidently will be one amendment and the bill will have to go into conference it ought to be acted upon during the present week. I should like to ask the Senator from Tennessee and the Senator from Georgia if it would be agreeable to them to have me call up the bill in the morning hour Thursday or Friday of this week?

Mr. BATE. I hope the Senator will not press it so early as that. It will not give adequate time. I am not going to throw any obstacle in the way of the consideration of and action upon the bill.

Mr. PROCTOR. The Senator is aware that we are to adjourn over from next week.

Mr. BATE. Perhaps we shall do so. We have an order set for to-morrow—an unfinished business. We have one matter on hand.

Mr. BACON. I wish to say to the Senator from Vermont that, so far as I am concerned, I am perfectly willing for him to call up the bill on Thursday if it is understood that for any special reason—for instance, lack of information on the part of any Senator—the bill will go over until the next day.

Mr. PROCTOR. Certainly.

Mr. BAILEY. I desire to inquire what would become of the bill to admit the Territories?

Mr. COCKRELL. It would not be affected.

Mr. BAILEY. I understand the request is that this bill shall be taken up in the morning hour.

Mr. PROCTOR. That is all I propose.

Mr. BAILEY. It does not interfere with that order. I merely wish to have it understood now. I would not consent to anything that would displace that bill or interfere with it.

Mr. PROCTOR. I merely propose to call up this bill during the morning hour.

Mr. LODGE. I understand the Territorial bill can be displaced only by a vote of the Senate.

The PRESIDENT pro tempore. That is the only way.

Mr. BAILEY. It could be displaced by unanimous consent, because that is a vote of the Senate.

Mr. LODGE. Oh, certainly; that would be a vote of the Senate.

Mr. BAILEY. I was engaged in conversation with a friend at my right, and did not understand that the request was limited to the morning hour.

Mr. PROCTOR. It was.

Mr. BACON. I did not understand the Senator from Vermont to ask for unanimous consent. He said he would call up the bill.

The PRESIDENT pro tempore. The Senator from Vermont simply gave notice. The Chair did not understand the Senator from Vermont to ask for unanimous consent.

Mr. PROCTOR. No, sir.

The PRESIDENT pro tempore. The Chair understood the Senator from Vermont to give notice that on Thursday, with the consent of the Senators from Tennessee and Georgia, he would move that this bill be considered in the morning hour.

Mr. BAILEY. My attention was diverted, and I did not hear it thoroughly. I did not want to be mistaken.

Mr. BATE. Would it not serve the purpose to say Monday? That would give Senators a chance to look at the matter very thoroughly.

Mr. PROCTOR. I have a personal reason for not saying Monday.

Mr. BATE. Very well.

Mr. PROCTOR. It is because I expect to be away.

Mr. BATE. I withdraw the suggestion, sir.

The PRESIDENT pro tempore. Does the Senator from Missouri ask action on his amendment now?

Mr. COCKRELL. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. Let the bill be printed with the amendment.

The PRESIDENT pro tempore. The Senator from Missouri asks that the bill may now be printed as amended. Is there objection? The Chair hears none, and it is so ordered. Shall the bill go back to the Calendar?

Mr. LODGE. I move that the Senate proceed to the consideration of the immigration bill.

The PRESIDENT pro tempore. The pending bill will go back to the Calendar.

#### FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. FORAKER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

J. B. FORAKER,  
REDFIELD PROCTOR,  
F. M. COCKRELL,  
*Managers on the part of the Senate.*  
ADIN B. CAPRON,  
CHARLES DICK,  
JAMES HAY,  
*Managers on the part of the House.*

The report was agreed to.

#### REGULATION OF IMMIGRATION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. The change of language in the first section of the bill, by which for the word "passenger" were substituted the words "alien immigrant," makes the exceptions unnecessary. The exceptions were necessary when the word "passenger" was there. They are not necessary now, and if continued they would involve us in trouble in regard to the favored-nation clause. I move, therefore, to strike out, beginning in line 4, page 1, the words:

not a citizen of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission.

The amendment was agreed to.

Mr. LODGE. On page 2, line 20, there are some verbal mistakes which I desire to have corrected. After the word "nor" I move to strike out the word "to" and insert the word "upon."

The amendment was agreed to.

Mr. LODGE. On page 3, line 2, I move to strike out the word "four" and insert the word "three;" so as to read "section 33."

The amendment was agreed to.

Mr. LODGE. On page 3, line 4, I move to strike out the letter "s" in the word "aliens" and to insert, after the word "alien," the word "immigrant;" so as to read "alien immigrant."

The amendment was agreed to.

Mr. LODGE. On page 11, line 6, after the word "company," I move to insert the words "other than railway lines entering the United States from foreign contiguous territory."

The amendment was agreed to.

Mr. LODGE. In line 8, page 11, in the first word, strike out the "s;" so as to read "idiot." That is a misprint.

The amendment was agreed to.

Mr. LODGE. In lines 20 and 21, page 11, strike out the words "nor shall the same be remitted." This is the section to which the Senator from Florida [Mr. MALLORY] directed our attention yesterday. The Commissioner-General of Immigration stated to the committee this morning that it was entirely unnecessary and had better be stricken out.

The amendment was agreed to.

Mr. LODGE. On page 27 there was an accidental omission of a description. In line 9, after the word "territory," insert the word "waters;" so as to read "United States, any waters, territory, or other place subject to the jurisdiction thereof."

The amendment was agreed to.

Mr. LODGE. I wish to ask to perfect the amendment passed over. In section 3, page 7, of the new print, after the word "Richford," in line 16, I move to insert the words "Norton's Mills;" and I think it ought to be "Rouse's Point," not "Rouse Point."

Mr. PROCTOR. "Rouse's Point."

Mr. LODGE. It ought to be Rouse's Point. Change it to "Rouse's Point."

Mr. PROCTOR. The possessive case.

Mr. LODGE. Yes, the possessive case—"Rouse's Point."

After the word "Buffalo," in line 18, I move to insert "Moore's Junction;" after the word "Michigan," in line 20, to insert "Duluth, St. Vincent, Warroad, Minn."

Mr. PENROSE. I should like to ask the Senator from Massachusetts whether he is sure those names should be inserted where he has suggested them? I notice the amendment of the Senator from Minnesota says—

Mr. LODGE. I called his attention to it. It is simply to follow the order of States. It comes after Michigan. He said that was a better place to put it.

Mr. PENROSE. All right. His amendment offered in the Senate read otherwise. That is the reason why I made the suggestion.

Mr. LODGE. Yes, he placed it after New York; but of course as we are going westward I think it more orderly to insert it here. In line 19 strike out "or," and then after "Pembina," in line 20, insert "Neche, Portal."

Mr. PENROSE. I would ask the Senator from Massachusetts whether Portal should follow or precede Neche. I notice in the amendment offered by the Senator from North Dakota it precedes.

Mr. LODGE. It ought to precede it. I gave it as given to me.

Mr. PENROSE. It ought to be Portal, then Neche.

Mr. LODGE. Strike out the word "or," in line 21, between "El Paso" and "Eagle Pass;" strike out the word "or," before "Nogales," and insert after the word "Arizona" the words "and such other additional ports as the Secretary of the Treasury may from time to time designate."

Mr. CLAY. Mr. President, I desire to call the Senator's attention to section 1. It was amended when for the moment I was not closely observing the proceedings. As a member of the committee, I do not agree to the amendment. I do not know whether the Senator offered it as a Senator or offered it on behalf of the committee. I refer to this part of the section:

That there shall be levied, collected, and paid a duty of \$3 for each and every alien immigrant not a citizen of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission, who shall come by steam, sail, or other vessel, etc.

Mr. LODGE. Mr. President—

Mr. CLAY. One moment.

Mr. LODGE. I beg pardon. I thought the Senator had finished.

Mr. CLAY. I understood the Senator to move to strike out Canada, the Republic of Mexico, and Cuba. Now, I hold in my hand the report of the committee, which I understand was drawn by the distinguished chairman, and he says in that report:

The exemption from the payment of a head tax on citizens of Canada and Mexico coming into the United States, adopted obviously for the purpose of avoiding any unnecessary obstacles to free intercourse between peoples who, by reason of close proximity and intimate commercial and social relations, have reciprocal interests in maintaining the privilege of unobstructed passage to and fro across our land boundaries, is extended in section 1 to bona fide residents of those countries for a continuous period of one year, such residence being assumed as evidence of permanent location therein, and the same reasoning against the payment of a head tax by citizens being applicable to such payment by actual residents therein.

I desire to ask the Senator whether it is not true that we would have serious troubles by imposing a head tax on immigrants coming from Canada, the Republic of Mexico, and Cuba, countries so close to this country, and whether the reasoning and logic of the chairman of the committee are not good as against that amendment?

Mr. LODGE. I think the Senator does not quite appreciate the important change which was made yesterday. That language of the report applied to the old language of the bill, which was "passenger." Of course to have put a head tax on every passenger coming from foreign contiguous territory—that is, from Mexico and Canada and Cuba—would have been an intolerable burden. It was absolutely necessary to make those exemptions. But the Senate yesterday changed the word "passenger" to "alien immigrant," which is a term of art and describes a particular class of persons.

Now, if there is an immigrant from Cuba, Canada, or Mexico who desires to come to the United States with the intention of remaining—that is, if he comes within the definition of the term "immigrant"—there is no reason why he should not be subjected to precisely the same laws as are immigrants coming from

any other friendly country. It does not interfere with the citizens of those countries coming back and forth into the United States for the purpose of business or pleasure, because they are not alien immigrants, and it does not touch them at all.

Moreover, Mr. President, and this objection is absolutely fatal, if we keep in those exceptions we at once violate the favored-nation clause in regard to citizens of other countries, and the entire legislation will become nugatory.

Mr. CLAY. I desire to ask the Senator whether he did not give as his reason for retaining in that section of the bill the very language referred to the fact that the location of these people and the intimate commercial and business relationship existing between those people and ours absolutely demanded that they be excepted from this \$3 head tax? It is stated in the report that it would cause serious business complications to place this head tax upon those immigrants.

Now, we have no objection to the people of Canada coming into this country, and in view of the close business relationship existing between those countries and this country, in my opinion the adoption of this amendment will cause serious business troubles between the people of Mexico and Cuba and Canada and the people of the United States, and in my opinion the logic and reasoning of the Senator was good in the report which he originally made to the Senate.

Mr. LODGE. Mr. President, I fear I utterly failed to make my meaning clear. As applied with the word "passenger" in the bill, those exceptions were absolutely necessary, for the reasons given in the report. As it now stands, no citizen of Mexico, Cuba, or Canada will be in the slightest degree interfered with. They will pay no tax; they will be liable to no tax; they will not be touched in any way. The only persons who will be affected will be the alien immigrant, and an immigrant from Cuba, Mexico, or Canada must be included in the same legislation as is the immigrant from Germany or from France or from England or from Italy, because otherwise we will run up against the favored-nation clause, which is in almost all of our treaties. It is impossible to have the legislation if you do not make it general and uniform. When the word "passenger" was used it would have affected all those persons coming in on business or pleasure with the intention of returning to their country.

It was then an absolute necessity, but now that the term has been changed to "alien immigrant" it is no longer a necessity, because the great mass of the people who come over the border are not alien immigrants and are not affected by the law at all. But an alien immigrant, no matter from what country he comes, must fall under the law, because we can not draw a distinction between one country and another unless we make special treaties to that effect.

Mr. CLAY. There certainly has been a shifting of positions in regard to this feature of the bill. The Senator from Pennsylvania in his argument in regard to an inquiry from the Senator from Ohio took the position that this bill did not violate the favored-nation clause of our treaties with other nations, and the junior Senator from Massachusetts has never contended on this floor that the word "passenger" referred to anything except immigrants coming from a foreign country. It was not intended to include tourists. The Senator took the position that this bill never intended to include tourists; that the word "passenger" simply meant an immigrant.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER (Mr. PETTUS in the chair). Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. CLAY. With pleasure.

Mr. LODGE. I was entirely convinced, I must say, by the statements and arguments made yesterday that under the term "passenger" tourists could be included, and not only tourists, but citizens of the Dominion of Canada and of the Republics of Cuba and of Mexico, who come back and forth over the border for business purposes, but have no intention of remaining. It seemed to me a very important change when we made it read "alien immigrant."

I confess that the proposition of the Senator from Ohio with regard to the favored-nation clause had not occurred to me, but when he called my attention to it I saw at once that it was absolutely valid; that we could not possibly discriminate in favor of the citizens of certain countries as against other countries, and that if we retained the clause the bill would become nugatory. Now, it places no burden upon the citizens of Cuba or of the Dominion of Canada or of the Republic of Mexico—not the slightest; no more than it does on the citizens of France or of England. It places the same burden on the alien immigrant from those countries as upon the alien immigrant from all other countries; and it ought to be so. It could not be otherwise.

Mr. CLAY. The Senator, if I am not mistaken, and I do not think I am, and I believe the RECORD will bear me out, in reply

to an inquiry from the Senator from New Hampshire stated on the floor of the Senate yesterday that the word "passenger" did not mean "tourist," that it meant simply an immigrant coming into this country. The Senator contended that the bill as it came from the committee, without this amendment, meant the same thing that it does mean now, with the word "passenger" stricken out and "immigrant" inserted in lieu thereof.

Mr. LODGE. I certainly stated that that was my idea of the intention of the bill yesterday, but I have not the slightest objection to saying that I think I was wrong. I think the word "passenger" was broad enough to be obnoxious to the suggestion of the Senator from New Hampshire. I have not the least objection in the world to stating that I think I was wrong, and that I have been convinced and led to change my mind.

Mr. STEWART. I should like to call the attention of the Senator from Massachusetts to one statement he has made, which, I think, must have been inadvertent. I refer to his statement that the bill would be nugatory or void or would amount to nothing if it conflicted with the favored-nation clause. Would it not repeal the favored-nation clause pro tanto? It would be the last act on that subject.

Mr. LODGE. It would repeal it, I suppose, and when I said it would be nugatory I meant it would involve us in many difficulties with other countries which would claim the right to have their citizens come here on the same terms as did citizens of Mexico.

Mr. STEWART. It would have that effect.

Mr. LODGE. It would have that effect. In that way I mean it would be nugatory.

Mr. CLAY. Mr. President, I do not believe this bill would have received the vote in the committee room of a single member of the committee if it had been stated that it was intended not only to affect immigrants coming into this country, but tourists and passengers who were simply visiting this country for pleasure. It was the object and purpose of this bill to prevent undesirable immigrants from coming into this country. That was the purpose of it before this amendment was made, and every single member of the committee construed it to mean just exactly what the bill says now. The Senator may have been mistaken; we may all have been mistaken in regard to what it meant; but certainly we intended at the time the bill came from the committee that "passenger" should mean "immigrant" and that citizens of Mexico, Canada, and Cuba should be excepted from the restrictions herein imposed.

Now, it was the consensus of opinion in the committee, in view of the fact that these Republics joined so closely to ours and were so closely connected with us in business relations, Canada being right here at our door, our neighbor and our friend, and Cuba being almost our ward, that this stringent immigration law should not apply to either of them; and I do not hesitate to say that the report made by the chairman of the committee, pointing out the danger to our business interests by reason of these restrictions applying to these three neighbors of ours, is able and can not be answered.

Mr. FAIRBANKS. Mr. President, if the Senator will allow me—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. CLAY. With pleasure.

Mr. FAIRBANKS. Does the Senator object to the bill as it is amended by the Senator from Massachusetts [Mr. LODGE]?

Mr. CLAY. I say that we ought to be extremely careful about disturbing our friendly and commercial relations with either Canada, Mexico, or Cuba.

Mr. FAIRBANKS. Mr. President, may I interrupt the Senator again?

Mr. CLAY. Certainly.

Mr. FAIRBANKS. The language used in the bill originally presented might be open to a difference of opinion as to the effect of it, but it seems to me that the first section, as modified by the amendment of the Senator from Massachusetts, is certainly free from any ambiguity or uncertainty, and it accomplishes in clear and distinct terms the very object the honorable Senator has in mind. It does not put any limitation upon the citizens of Canada or of Mexico or of Cuba who desire to visit the United States or who desire to come for some temporary commercial or business purpose. It only imposes a tax upon alien immigrants; that is to say, upon those who are coming from different foreign countries for permanent residence in the United States. The term "alien immigrant" does not comprehend or embrace the mere passenger or tourist coming here for temporary comfort or pleasure.

Mr. CLAY. I do not think there is any misunderstanding between the Senator and myself. I have never understood that this bill intended in any of its features to refer to anyone except immigrants. The bill never was intended to refer to the passenger or the tourist. The Senator from New Hampshire [Mr.

GALLINGER] called attention to the word "passenger," and in order to remove doubt the word "passenger," in my opinion, was properly stricken out and "immigrant" inserted in lieu thereof. Undoubtedly the committee from which this bill comes intended the bill to mean just what it means now with that change, and the committee intended that the restrictions thrown around other countries should not apply to Canada, Mexico, or Cuba.

I do not contend that the bill would prevent a passenger or a tourist from coming from Canada or Cuba or Mexico to this country. Certainly it would not. But to the immigrant who steps over the line into this country from Canada, or who comes from Cuba to Florida or Georgia or any other State in the Union, the same restrictions will apply that apply to immigrants from Italy, Germany, France, or any other foreign country.

The committee intended, when they had this matter under consideration, that these, our next-door neighbors, should be our special favorites, and that the tax of \$3 per capita should not apply to immigrants coming from either of these countries. That is the distinction which I wish to place before the Senate.

Now, Mr. President, the chairman of the committee, reflecting the views of every member of the committee, simply said that in applying this stringent restriction law (and I have nothing to say against its being strict except in regard to these countries) these our neighbors should not be affected by it.

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. CLAY. With pleasure.

Mr. PENROSE. As chairman of the committee I should like to state to the Senator from Georgia, who is, I believe, as sincerely interested as any other member of the committee in perfecting the bill so that it may be an effective method of immigration restriction, that at the time this provision was retained in the bill the point had not been raised as to whether it conflicted in any way with our treaty or international obligations. I am not prepared to say at this time whether the arguments made upon that question are, as far as I am concerned, valid or not. I am not one of those disposed to lay that stress upon international or treaty obligations that others would be disposed to give them who are perhaps much better versed than I upon international law and international obligations.

But the question has been raised since the report of the bill and since the framing of the report of the committee. It has recently been raised and ably presented by the Senator from Ohio [Mr. FORAKER] and by other Senators and in other quarters. In deference to the raising of that question and in consideration of the fact that there is something in it, in their opinion at any rate, and their opinion is entitled to the greatest respect, and in view of the fact that the alteration in the bill made upon the motion of the Senator from Massachusetts [Mr. LODGE] by which the word "passenger" was stricken out and "alien immigrant" inserted will remove to a very large extent the inconvenience that would follow from unduly harassing our neighbors upon the Mexican and Canadian border, I feel sure if the Senator from Georgia will consider carefully the bill as it stands at present there is not much in his objection, and it gives no great inconvenience to our neighbors in Canada or in Mexico or in any way diminishes the effectiveness of the measure. As far as I am concerned, I have never had any timidity about the indictment of inconsistency. I am always ready to be inconsistent or to change my mind upon a presentation of facts warranting such a course in my judgment.

Mr. CLAY. Mr. President, just a minute and then I am done. I have been exceedingly anxious to assist in perfecting this bill and I have been willing to give my support to every feature in the bill except one or two. The most important feature of the bill, the educational test, which is the third section, is yet to be discussed and to be passed upon. I did think that when Canada, Mexico, and Cuba were exempted the exception was a good one, and I think so now.

Thus far if there has been an argument presented that the favored clause would prevent these exceptions from being inserted, outside of the statement made by my friend the Senator from Ohio, I am not aware of it. The Senator did raise the question, and in a very intelligent way, as he always does. The Senator also stated that he was going to present authority on the question and that he was going to discuss it.

At the same time the Senator from Pennsylvania [Mr. PENROSE] stated that he was clear it was not a violation of our favored clause or our treaty relations. In my opinion it is not. At this time I am not prepared to present the argument I would present to show that it is not because the question has arisen here to-day. I do not believe that the question has even been discussed in the committee room. When the bill gets into the Senate out of the committee it will be in order, I presume, to move to insert it and we can discuss it.

For my part, at present I feel that the clause ought not to be stricken out. I am anxious to give the bill my support. I believe that if there is any question the American people are deeply and vitally interested in it is the question of foreign immigration. The last report shows that over 600,000 people from other countries came into this country last year, and 80 per cent of them located in four cities. So every American citizen is deeply and vitally interested in this important question. But above all things, with Canada and Cuba right at our doors, let us be extremely careful how we deal with either of those countries.

Mr. FORAKER. Mr. President, I am not a member of the Committee on Immigration. I did not, therefore, have the benefit of the discussions that occurred in the committee room. I do not know, therefore, what may have been in the mind of the committee except only as members of the committee have spoken here in the Senate Chamber as to what they understood the provisions of the bill to mean.

But, Mr. President, it is so clear that argument is unnecessary that the bill as brought into the Senate not only restricted the immigration into this country of aliens who were seeking to come as immigrants, but it also applied to all persons not citizens of the United States who might come from any country, no matter in what character they might come. The language of the bill was that this tax of \$3 a head should be levied and collected on every passenger not a citizen of the United States coming into this country.

Now, it did not seem to me that we ought to impose a tax upon people who are coming into this country simply as tourists or for temporary and proper purposes, but only on immigrants. When attention was called to that provision, the members of the committee agreed that a change should be made, and when that was corrected by the insertion of the words "alien immigrant" instead of "passenger" the further question arose as to why we should exempt from the operation of the bill alien immigrants from Mexico, Canada, and Cuba, and as soon as attention was called to that it was manifest that the one change made absolutely necessary the other change.

Canada, Cuba, and Mexico were exempted from the operation of the bill upon the theory—and they could not have been exempted upon any other intelligent theory—that we ought not to seek to tax under the provisions of the bill every passenger who might come here from Cuba, Mexico, or from Canada. As soon as the bill was restricted by the first amendment agreed to in its application only to aliens, then ceased at once the necessity for exempting the countries that are mentioned.

The reason was that stated by the Senator from Massachusetts, namely, that the purpose of this bill is to regulate the coming into this country of alien immigrants, and it ought to apply to an alien immigrant without regard to the country from which he may come. There is no reason why we should apply one rule to an alien immigrant coming from Mexico or Canada and another rule to an alien immigrant coming from some other country.

So much, therefore, for the purpose of the bill and the policy that we are seeking to establish and to subserve.

But I had in view another thought which was at the bottom of the objection I made to the bill as it was originally framed. I stated yesterday what that objection was. I said at the same time I did not care at that moment to enter upon a discussion of it and that I might not care to discuss it at any stage of the consideration of the bill. I supposed it had become unnecessary to discuss it in view of the striking out of the words exempting these three countries. They were stricken out, in the first place, because the purpose of the bill would not be subserved with those words remaining in; and they were stricken out, in the second place, because, as the Senator from Massachusetts well said, not to strike them out would be to make the whole bill an absolute nullity. Now, let me state why.

I have before me here our treaty with Japan, framed in 1894. It is a fair example, I take it, of the provisions, in the respect in which I shall call attention to this treaty, to be found in all our treaties where we have the most-favored-nation clause.

Mr. CLAY. Will the Senator from Ohio permit me to ask him a question?

Mr. FORAKER. Certainly.

Mr. CLAY. How many treaties have we with the favored-nation clause in them?

Mr. FORAKER. I do not know how many there are, but I know we have a number.

Mr. CLAY. Very few.

Mr. FORAKER. The Senator may have looked it up and may be aware of the number; but if we have only one, to that extent the rule applies.

Now, I call your attention to this provision of the first paragraph of the first article of the treaty of 1894 with Japan:

The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of

the other contracting party, and shall enjoy full and perfect protection for their persons and property.

Then omitting some of the intervening passages—

They—

The citizens—

shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native citizens or subjects, or citizens or subjects of the most favored nation.

That is not all.

Article 14 reads as follows:

The high contracting parties agree that, in all that concerns commerce and navigation, any privilege, favor, or immunity which either high contracting party has actually granted, or may hereafter grant, to the Government, ships, citizens, or subjects of any other State shall be extended to the Government, ships, citizens, or subjects of the other high contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions if the concession shall have been conditional; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other upon the footing of the most favored nation.

In other words, Mr. President, whatever we do in this general legislation in the way of extending a gratuitous favor—I mean a favor for which there is no compensation coming to us—we are compelled to concede to every other nation with which we have a treaty stipulation of the character to which I have referred.

The Senator from Georgia has asked me to state how many such treaties we have. I am unable to answer him, but he is aware, as other Senators are, that we have quite a number of such treaties. The very first treaty ever entered into between this country and France contained a similar provision. The first treaty ever entered into between this country and Prussia, between this country and Holland, between this country and Sweden, contained the same provision, not, perhaps, in the same identical language, but the same provision in effect.

I mention those because I was reading only this morning in Wharton's International Digest an extract from instructions given by President Jefferson to the commissioners charged with negotiating a treaty with Spain, in which he called attention to this clause of the treaty and recommended that they negotiate a similar stipulation with Spain as a part of their treaty, reciting in that respect that it would be not only of advantage to Spain, but also of advantage to us.

We may have treaties, we doubtless have, in which that clause does not occur. As to all countries with which we have such a treaty stipulation as that which I have read from our treaty with Japan, if we were to leave this exemption in the law as to Canada, Mexico, and Cuba, all they would have to do in order to have their citizens enter without any restriction whatever would be simply to say, "Here is our treaty; it is the supreme law of the land, and as the supreme law of the land, we have the right, you having granted this favor to these specified countries, to come in on the same terms." In other words, to the extent we have treaties of that kind we would absolutely nullify the law which we are so diligently seeking to enact.

Now, Mr. President, there is another idea which, it seems to me, the Senator from Georgia has overlooked. If these words go in the bill, then everybody from Mexico and Canada and Cuba can come in without regard to any of the provisions found in the bill, without the payment of the \$3, or without answering the questions that alien immigrants are required to answer—without any restriction or any impediment whatever being imposed upon them.

Certainly, if the Senator is in favor of restricting immigration to this country, and improving our immigration laws in that respect, he can not desire that Canada, Mexico, and Cuba shall be allowed to send their alien immigrants into this country without any let or hindrance whatever. And yet that is the effect of leaving in the bill these exemptions.

In other words, Mr. President, to come back to the point at which I started, so long as the word "passenger" was the only word used to describe the individual upon whom this tax was to be laid, there was a propriety in exempting contiguous territory from the application of the law, because we would be overwhelmed in undertaking to collect such a tax. A man not a citizen of the United States could not come from Quebec or Montreal to the city of Boston on a railroad without having to pay \$3.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. FORAKER. And that is not all. Allow me to add what I had in my mind and then I will yield with pleasure. He could not come from Montreal or Quebec to Boston without not only having to pay \$3, but he would have to answer a lot of questions prescribed in this proposed act as to whether he is a bigamist, as to whether he is a polygamist, as to whether he is an anarchist, as to whether he has any loathsome or contagious disease. It would be an absolute burden upon all communication between Mexico on the one hand and Canada on the other with the United States.

Mr. CLAY. Mr. President, I understood the Senator to say that unless that amendment was adopted people from Canada,

Cuba, and Mexico could come to this country without any restriction whatever; that the door would be open, and that the diseased, the insane, and every class, regardless of merit, could come to this country. The Senator certainly has not made himself familiar with the entire bill. If this amendment is adopted and the words stricken out the balance of the bill would apply to Cuba, Mexico, and Canada, and the only feature affecting either of those countries will simply be that they will not have to pay the tax of \$3 per capita.

Mr. FORAKER. Mr. President, I am not a member of the committee, and it was not expected that I should have read the bill until it was brought before the Senate for consideration; but inasmuch as the Senator has seen fit to say that evidently I have never read the bill—

Mr. CLAY. I did not say that.

Mr. FORAKER. I am at liberty to retort that I think he never read it, either in committee or outside. Now, look at the provisions of the bill, and let us see whether or not there is a justification for the Senator's statement.

Mr. CLAY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FORAKER. Certainly.

Mr. CLAY. I did not say the Senator had not read the bill. I said he was not familiar with the bill if he understood that by simply striking out those words every other feature affecting those countries would be likewise affected.

Mr. FORAKER. That is a misapprehension on the part of the Senator from Georgia, or else I do not understand this bill. Now, let us see where the misapprehension is. Let me read. It is not possible that we can not understand the English language when it is spread out before us in as simple a form as this is. The first provision is:

That there shall be levied, collected, and paid a duty of \$3 for each and every alien immigrant not a citizen of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, or a bona fide resident of the said Dominion or Republics for one year continuously prior to application for admission.

Now, can anything be more clear than that if we enact this statute with those words it would not have any application whatever to persons coming as alien immigrants from Canada, Mexico, and Cuba into the United States? They are expressly exempted. So much for the per capita tax.

Now, let us turn to section 3. It reads as follows:

That to the classes of aliens now excluded by law from admission into the United States there shall be added all aliens other than citizens of the Dominion of Canada, or the Republic of Mexico, or the Republic of Cuba, or bona fide residents of the said Dominion or Republics for a continuous period of at least one year prior to seeking entrance to the United States, who have attained the age of fifteen years, etc.

In other words, Mr. President, as to these crucial provisions of the bill aliens coming—

Mr. CLAY. That section has not been adopted.

Mr. FORAKER. Well, the section has not been adopted, but it is a proposed section of this bill. The bill has not been adopted, but that section, although in the form of an amendment, is the work, as I understand it, of the committee. If I do not misunderstand this bill—and I do not see how I can—according to the provisions of it any persons can come from Canada or Cuba or Mexico without paying one red copper cent, although they may be as objectionable a class of immigrants as can come from any country. That surely the Senator from Georgia does not desire. If I do not misunderstand the bill, they can come without answering any of the questions that are propounded to other alien immigrants and which other alien immigrants are required to answer.

There was a propriety, so long as the bill was broad enough to apply to every passenger without regard to whether he was an immigrant or not, in exempting our neighbors who occupy territory contiguous to us, and from which territory there is a constant stream of people coming by every railroad train that crosses the border line. But when this bill, with proper language, was restricted to immigrants, as it was intended to be restricted to immigrants in the beginning, it became appropriate to strike out the exemption of those countries from the operation of the measure, because, in the first place, there is no reason founded in policy why an alien immigrant who can not read, or who has a loathsome disease, or who is unfit in our opinion to become an American citizen on any account, should be admitted when coming from one country rather than another. There is no reason that I know of why alien immigrants of an objectionable character coming from Canada or Mexico should not be treated as alien immigrants of an objectionable character coming from Italy or Germany or any other country on the face of the globe.

But, Mr. President, there is another reason, and that is the one, as I said, that is at the foundation of my objection to this language, and that is it is unquestionably a violation of that clause with respect to the most-favored nation found in every treaty

that has that clause in it. If the effect of that clause in a treaty with another country is to give that country a right to have their immigrants come here on the same terms and conditions that they come here from Canada or Mexico, and we prescribe no terms or conditions as to them, then they come in free of terms and conditions from every such other country. It is an opening of the door, a letting down of the bars, a negation absolute of all that is intended to be accomplished by this bill, in so far as we may have treaties of that kind.

I do not know with how many countries we have those treaties, but we have enough to make it so serious that we ought not to provide an open door for their immigrants.

The PRESIDENT pro tempore. The amendments offered by the Senator from Massachusetts to section 3 will be stated. There are quite a number of them.

The SECRETARY. In section 3, page 7, line 16, after the word "Richford," insert the words "Norton's Mills;" in the same line, after "Rouse," insert an apostrophe and an "s," so as to read "Rouse's Point;" in line 18, after the word "Buffalo," insert "Moore's Junction;" in line 19, after "Port Huron," strike out the word "or;" in the same line, after "Sault Ste. Marie, Mich.," insert "Duluth, St. Vincent, Warroad, Minn.;" in line 20, after the word "Pembina," insert "Portal, Neche;" in line 21, after "El Paso," strike out the word "or;" in the same line, after the word "Texas," strike out the word "or;" in the same line, after the word "Arizona," at the end of the line, insert the following:

And such other additional ports as the Secretary of the Treasury may from time to time designate.

The PRESIDENT pro tempore. If there be no objection those amendments will be regarded as agreed to. They are agreed to.

Mr. MALLORY. I should like to inquire if those are all the amendments proposed by the committee to section 3?

Mr. FAIRBANKS. No; they are not; I will answer. I have now an amendment to propose to section 3. On line 24, page 6, after the word "type," I move the insertion of what I send to the desk.

The PRESIDENT pro tempore. The Senator from Indiana, on behalf of the committee, offers an amendment, which will be stated.

The SECRETARY. On page 6, line 24, after the word "type," insert:

Or in correspondingly distinct type or characters in the case of languages in printing which roman type is not employed.

The amendment was agreed to.

Mr. FAIRBANKS. In lines 20 and 21 on page 11, I move to strike out the words "nor shall the same be remitted."

The PRESIDENT pro tempore. Those words have already been stricken out.

Mr. FAIRBANKS. I was not aware that that amendment had been moved. Have all the amendments offered by the Senator from Massachusetts [Mr. LODGE] been agreed to?

The PRESIDENT pro tempore. The Chair had the impression that the Senator from Massachusetts moved to strike out the language touching Mexico, the Dominion of Canada, etc., in this amendment. The Chair may be mistaken, however.

Mr. FAIRBANKS. In the third section?

The PRESIDENT pro tempore. In the third section. That was the impression of the Chair, but he may be wrong.

Mr. FAIRBANKS. I ask that that amendment be laid over until the Senator from Massachusetts returns to the Senate.

Mr. BURTON. I desire to offer what I send to the desk as an amendment to section 3. I wish to offer it now in order that it may be printed. I do not ask for a vote upon it at this time.

The PRESIDENT pro tempore. Does the Senator offer his amendment as an amendment to the committee's amendment?

Mr. BURTON. Yes, sir. I ask that it may now be read.

The PRESIDENT pro tempore. The Senator from Kansas offers an amendment to the committee amendment to section 3. It will be read.

The SECRETARY. It is proposed to add at the end of section 3 the following:

And provided further, That nothing contained in this section shall be understood as applying to the Territory of Hawaii, but that whenever it can be shown to the satisfaction of the Secretary of Agriculture and of the Secretary of the Treasury that the number of agricultural laborers are insufficient for the proper agricultural development of the Territory then the Secretary of the Treasury shall authorize and allow the admission to the said Territory of Hawaii a number of Chinese laborers sufficient in his judgment to supply the demands for such labor under regulations to be issued by him and under the following conditions, to wit: That the said Chinese agricultural laborers shall be permitted to enter the Territory of Hawaii for the sole purpose of performing agricultural labor, and shall not be allowed to go from the said Territory of Hawaii to any other portion of the territory of the United States; that the persons or corporations in whose service said Chinese agricultural laborers are engaged shall first give a good and sufficient bond, to the satisfaction of the Secretary of the Treasury, to defray the necessary expenses of the said Chinese laborer's deportation to China in case he deserts the labor for which he was permitted to come to the said Territory.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas will lie on the table, and be printed.

Mr. FAIRBANKS. I ask that section 3 be passed over until the Senator from Massachusetts [Mr. LODGE] returns.

The PRESIDENT pro tempore. That course will be taken, in the absence of objection.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. In section 2, page 3, line 11, after the word "change," it is proposed to insert "professional beggars;" so as to read:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease.

The amendment was agreed to.

Mr. FAIRBANKS. On page 6, after the word "aliens," in line 5, I move to strike out all of the committee amendment down to the word "who," in line 9, on the same page.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. In section 3, page 6, line 5, after the word "aliens," it is proposed to strike out:

Other than citizens of the Dominion of Canada, or the Republic of Mexico, or the Republic of Cuba, or bona fide residents of the said Dominion or Republics for a continuous period of at least one year prior to seeking entrance to the United States.

The amendment was agreed to.

Mr. FAIRBANKS. On page 7, line 8, after the word "alien," I move to strike out the committee amendment down to the word "whether," in line 11, on the same page.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 7, section 3, line 8, after the word "alien," in the amendment of the committee, it is proposed to strike out:

Other than a citizen of the Dominion of Canada or of the Republic of Mexico, or a bona fide resident of the same Dominion or Republic, for a continuous period of at least one year.

The amendment was agreed to.

Mr. FAIRBANKS. On page 6, section 3, line 5, after the word "all," I propose to strike out the letter "s" in the word "aliens," and to insert the word "immigrants."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. In section 3, page 6, line 5, after the word "all," it is proposed to strike out the letter "s" in the word "aliens" and to insert the word "immigrants," so as to read "all alien immigrants."

The amendment was agreed to.

Mr. FAIRBANKS. After the word "alien," on page 7, line 8, I move to insert the word "immigrant."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 7, section 3, line 8, after the word "alien," it is proposed to insert the word "immigrant," so as to read:

Provided, That any alien immigrant, other than a citizen of the Dominion of Canada, etc.

The amendment was agreed to.

Mr. PENROSE. The senior Senator from Massachusetts [Mr. HOAR] has offered an amendment, which in his absence he has requested me to look out for and to which I see no objection, with the striking out of the words exempting the peculiar class referred to from the payment of the tax. I ask the Secretary to state the amendment proposed by the Senator from Massachusetts as changed by me.

The PRESIDENT pro tempore. The Senator from Massachusetts through the Senator from Pennsylvania offers an amendment, which will be stated.

The SECRETARY. It is proposed to insert the following:

Whenever an alien shall have taken up his permanent residence in this country and shall have filed his preliminary declaration to become a citizen and thereafter shall send for his wife or minor children to join him, if said wife or either of said children shall be found to be affected with any contagious disorder, and it seems that said disorder was contracted on board the ship in which they came, such wife or children shall be held under such regulations as the Secretary of the Treasury shall prescribe until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

The amendment was agreed to.

The PRESIDENT pro tempore. Where does the Senator from Pennsylvania desire the amendment to be inserted?

Mr. PENROSE. It is indicated on the amendment, is it not?

The PRESIDENT pro tempore. It is not.

Mr. PENROSE. Then I will ask the Secretary to insert it at the proper point.

Mr. McCUMBER. At this time I should like to have the chairman of the committee explain to me the meaning of the provision on page 4, in lines 10, 11, and 12, which reads:

*And provided further, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country.*

I should like to have the Senator from Pennsylvania inform me who is to determine the question whether skilled labor of any particular class can be found in this country, how that provision is to be enforced, and how it is to be applied by the Department in the exclusion of a certain character of alien labor?

Mr. PENROSE. I understand that the details of this measure, or of any elaborate measure like this, must be left to the regulations of the Treasury Department; and I believe there will be no trouble whatever in their formulating such adequate regulations as will cover the point entirely. It is easy to imagine classes of skilled labor which might not exist in this country, and as such emergencies arise from time to time the Secretary of the Treasury will frame regulations to meet them. I do not recall just at this moment what kinds of skilled labor at the present time ought to be admitted under this exemption, but it is certainly very easy to imagine that such cases might arise, and this exemption is meant to meet them.

Mr. McCUMBER. I confess, Mr. President, I do not quite understand how that provision could possibly be enforced, or who is finally to determine it, or the method by which it is to be determined.

Mr. PENROSE. The Secretary of the Treasury, as I understand, would have to designate the kind of skilled labor which would be admitted. A mechanic in some particular line of industry or an artisan in some industry would be designated by the Secretary of the Treasury, as I understand, and admitted.

Mr. McCUMBER. There might be a case of this kind, Mr. President: There might be a strike of skilled labor at that time; then, there might be laborers who would be unemployed. The strike might be declared off at any moment, and then these same skilled laborers might be employed. Perhaps you would have encouraged or allowed skilled laborers to land in the interim during the time these people were unemployed, because there were few or none in the country.

Mr. PENROSE. I do not imagine for a single moment that this bill is intended to cover such a case. If skilled labor in any branch of industry in the form of organized labor was on a strike, this bill certainly is not intended to permit skilled laborers in that line of industry to be imported into this country. If the Senator has any apprehension on this ground, I would accept in a moment any amendment to make that point absolutely sure and certain. It is only meant to cover this case. I imagine the cases are very few and far between, but certainly they are possible. I recollect that in the past they have occurred, although I can not recall just at this juncture the character of the skilled labor which was brought into the country. But such cases have occurred in the past and may occur in the future. Take the case where an industry is established here and where certain forms of skilled labor do not exist in the country, and without them the industry could not be continued.

Mr. McCUMBER. I understand the proposition, but at the same time I do not yet understand from the Senator how this provision is to be carried into effect.

Mr. PENROSE. The nearest explanation I can give the Senator is that the Secretary of the Treasury will designate the forms of skilled labor which will be exempt under the law.

Mr. BAILEY. I suggest to the Senator from Pennsylvania, if it will not interfere with the object the committee have in mind, that he could render the contingency suggested by the Senator from North Dakota impossible by striking out the word "unemployed." Then, if there was no labor of that particular kind in this country and some new enterprise was inaugurated in a foreign country, and it was sought to establish a similar one here, it would be easy enough to import that labor under this bill. Of course it might happen that after they had brought some of that labor into this country there would still not be enough to extend the new enterprise.

Mr. PENROSE. I will accept the suggestion of the Senator from Texas.

Mr. LODGE. To strike out the word "unemployed?"

Mr. PENROSE. Striking out the word suggested by the Senator from Texas.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. In section 2, line 11, page 4, after the word "kind," it is proposed to strike out the word "unemployed," so as to make the proviso read:

*And provided further, That skilled labor may be imported, if labor of like kind can not be found in this country.*

Mr. PENROSE. I will accept the amendment on behalf of the committee.

The amendment was agreed to.

Mr. FAIRBANKS. In section 3, page 6, line 12, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

Mr. FAIRBANKS. In section 3, page 6, line 13, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

Mr. FAIRBANKS. At the end of line 19, on the same page, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

Mr. FAIRBANKS. In section 3, page 7, line 1, after the word "alien," I move to insert the word "immigrant."

The amendment was agreed to.

The PRESIDENT pro tempore. Are there further amendments to the bill?

Mr. LODGE. There is one amendment which was passed over, Mr. President, if I may call attention to it. It is section 36 of the old bill, and to it I ask the attention of the Senator from Arkansas [Mr. BERRY], as it was at his request that I asked that the amendment be passed over.

The PRESIDENT pro tempore. Section 36 of the new bill?

Mr. LODGE. Section 36 of the new bill also. The committee recommend that that section be stricken out; and I ask the attention of the Senator from Arkansas to it, because it was passed over at his request.

Mr. BERRY. What amendment is it?

Mr. LODGE. It is the amendment relating to the sale of liquors in the Capitol building.

Mr. BERRY. Mr. President, I understand that this amendment prohibiting the sale of liquor in the grounds of the Capitol was put in the bill by the House and is in the bill at this time. I ask the Senator from Massachusetts if that is correct?

Mr. LODGE. That provision was put in the bill by the House, and the Committee on Immigration of the Senate recommend that it be stricken out.

Mr. BERRY. The committee recommends that it be stricken out by the Senate, but it has not yet been voted upon.

Mr. President, I do not know, although I think it probable, that such a provision is somewhat out of place in a bill of this character; but it is there; the House of Representatives has put it there; in my judgment it ought to be in some bill, and I am not willing to vote to strike it out, it having been put in this bill by the House of Representatives. If I had offered such a provision, I would have offered it to some other bill. The House of Representatives seek to stop the sale of liquor in this Capitol; they have passed that kind of a bill; and now the Senate committee proposes to strike out that provision. I do not believe that the Capitol is the proper place in which to sell liquor. I do not believe it is the proper place in which to run a saloon. Whatever one's opinion may be on sumptuary laws or prohibition laws, I for one think that this Capitol is not a proper place in which to run a saloon. It belongs to all the people of the country, and is visited by people from every section of the Union, thousands of whom do not believe that liquor should be sold here; and I agree with that view. Therefore I for one propose to vote against striking out the provision, it having been put in the bill by the House of Representatives.

Mr. PENROSE. Mr. President, the Committee on Immigration left out this provision as contained in the bill as it came from the other House because in the opinion of the committee it did not belong in the measure. I will not at this time enter into a discussion with the Senator from Arkansas regarding the propriety of prohibiting the sale of liquor in the Capitol; but I am willing, for the sake of the argument, to agree with him in all he has said and to promise him that if he will introduce a separate measure to accomplish his purpose I will vote for it.

The Committee on Immigration did, however, go as far as was proper and pertinent to the purposes of the present measure in inserting a provision prohibiting the sale of liquor at immigrant stations against the recommendation of some of those engaged in the administration of the law in connection with the Immigration Bureau. I think that provision of the bill has entirely satisfied the advocates of temperance and of the prohibition of the sale of liquor in connection with Government buildings as being all that could be reasonably asked, because it is all that is pertinent to the purpose of the measure. I hope, therefore, the bill will not be embarrassed by the insertion of a provision which does not pertain to the bill and regarding which there is a diversity of opinion.

Mr. BERRY. It is not a proposition to insert it in the bill. It is already in the bill. This is a proposition on the part of the committee to strike it out of the bill.

I repeat that I was somewhat surprised to see it placed in this particular bill, but the House of Representatives had the matter

under consideration and they put it in the bill. Now, if the Senate votes to strike it out, it seems to me that we go upon the record as being in favor of having a saloon in the Capitol.

I do not know where one now exists in this building. The only one I have ever heard of as being kept here was on the side of the House of Representatives. I take it for granted they have become tired of it and want to get rid of it, and therefore they placed this provision in the bill. They having put it there, I am not willing that the Senate should strike it out. The House probably knew what they wanted. The provision is in the bill and if it remains there it will be a valid law.

I repeat what I said a while ago, that whatever one's opinion may be about a temperance law or prohibition, I do not believe that the people of this country want a saloon kept in the Capitol of the United States. If Senators, or Representatives, or men who are employed in this Capitol want to get whisky they can step beyond the Capitol grounds and get it; but I do not think it speaks well for the United States for the Senate to say they will knock out a provision already put in the bill by the House of Representatives and thereby open up this Capitol for the purpose of selling liquor. Therefore, for one I will not vote to strike it out.

Mr. PENROSE. Mr. President, I do not oppose the provision of the House bill upon the intrinsic merits of the proposition. I have not favored its retention in the bill because, as I said, it did not seem to me pertinent to the general purposes of the bill. I will ask that the question be put, and will leave it to the Senate to determine whether or not the provision shall be put into the measure.

Mr. BAILEY. Before the Senator from Pennsylvania resumes his seat, I should like to ask if, as a matter of law, any legislation of the two Houses is necessary to suppress the sale of liquor at either end of the Capitol. Is it not true, as a matter of law, that each House has absolute control over what shall be sold in its restaurant?

Mr. PENROSE. I think the Senator's contention is absolutely right—that each House has entire control over those matters, and does exercise control at present.

Mr. BAILEY. Then I would be perfectly willing to take my responsibility either for permitting or suppressing the sale of it at this end of the Capitol. It seems to me gentlemen in the other House ought to take their responsibility there without enacting into a law a perfectly useless performance.

Now, I believe that as to a part of the Capitol there is probably a joint commission or some joint authority between the two bodies, but I take it that the Senate would not recognize the right of the House to a voice in what is done in this Chamber or in the committee rooms above or in its restaurant below. And I for one would not want to see the Senate assume any such right to a voice in what is permitted at the House end of the Capitol. It looks to me a little singular that what either body can do they want them both to do, in order to divide the responsibility. I think each body ought to take its own responsibility on a question of this kind. If a man looks for the law, without a very carefully prepared index he would be a little puzzled, to say the least, to find a liquor prohibitory law affecting the National Capitol in an immigration statute.

Mr. BERRY. In regard to the last remark of the Senator from Texas, I will state, as stated by the chairman of the committee, that the bill already contains a prohibition of the sale of liquor at immigration stations where the immigrants are landed. Therefore it would not be altogether so difficult to find it as the Senator from Texas intimated.

Mr. BAILEY. The Senator from Arkansas understands that neither House of Congress alone has any power over that question, and therefore, on the subject of immigration, all matters, both main and collateral, may properly be thus dealt with. I mean, and I was unfortunate if I did not make my meaning plain, that to find a prohibitory law affecting the National Capitol building in such an act would be puzzling.

Mr. BERRY. It is not very material where it is, so it is in the law.

Now, of the right of the House to control its side of the building and the Senate its side, I suppose there can be no question. But the House have spoken in this bill by putting in it a provision to the effect that they want to stop the sale of liquor in the Capitol. The Senator says that either House can stop it in the space over which they have peculiar jurisdiction. The Senator will not deny that both of them uniting together and putting it in a law can prohibit it at both ends of the Capitol.

Mr. RAWLINS. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. BERRY. Certainly.

Mr. RAWLINS. I should like to ask the Senator whether he understands that if this provision remains in the bill and is vio-

lated, its violation would constitute a punishable offense? That is, could either the House or the Senate be arraigned, and if so, before whom, for a violation of it?

Mr. BERRY. I understand if it is the law it will prohibit the sale, and I suppose its violation can be punished as other violations of laws are punished.

Mr. BAILEY. I imagine that the man who permitted it to be sold could be arraigned. But permit me to say, just in that line, that for one I am not willing to concede the right of the other branch of Congress to a voice in what is done on this side, just as I am not willing as a member of this body to assume any control over what is done at the other end.

Now, if you select a peculiar and sensitive question like the prohibition question, then the next one becomes less sensitive, until after a while it will require the joint action of the two bodies to determine what either body will do. We are supreme over our end of the Capitol, and I am perfectly willing to meet the responsibility that comes from that fact, and I insist that gentlemen at the other end shall meet their responsibility. I will not vote for any proposition that recognizes the right of either House to interfere with what is within the exclusive jurisdiction of the other, either on prohibition or on any other question.

Mr. TILLMAN. Mr. President, I should like to get a little light on this interesting subject, and I wish somebody who is informed would tell me whether any liquor is sold at the Senate end of the Capitol now. I have been informed that there is not any liquor so sold, and that the House (this is an old question, which has been coming over here spasmodically and at intervals ever since I have been here; I think this is the third time) is simply playing a hypocritical game before the people of the country and endeavoring to make the Senate attend to its morals and its virtues. I am opposed to any such proposition. I should like to see the House get what it seems to want and which it has the right to get without this legislation, and yet it continues to parade its morality or temperance or whatever you call it before the country, while endeavoring to make the Senate save it from itself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendment to the bill as in Committee of the Whole, the bill will be reported to the Senate as amended.

Mr. PLATT of Connecticut. Mr. President, before the bill is reported to the Senate, I should like to understand, if I may, what the effect of this bill is as to the exclusion of aliens. It has been very much amended; so much so that I am in doubt as to what its effect will be. If I understand the bill, it now proposes to exclude from the United States only alien immigrants and that all other persons who are not immigrants can come into the United States freely without the payment of the head tax. I do not think that will exclude a great many from the United States if the language is construed according to its meaning. It was stated here yesterday in debate, I see, that an immigrant is a person who comes from a foreign country with the intention to settle in this country.

Mr. LODGE. Not to settle.

Mr. GALLINGER. To remain. However, that would mean to settle.

Mr. PLATT of Connecticut. I certainly think I am not mistaken in my recollection of the definition as quoted from the Century Dictionary by the Senator from Ohio [Mr. FORAKER]. I will find it in a minute. However that may be, whether it means to settle in the United States or to remain in the United States, it will not reach a great class of undesirable immigration to this country. The Senator from Ohio [Mr. FORAKER] said:

The Century Dictionary gives as one of the definitions of the word "immigrant" a foreigner who enters a country, to settle there.

I thought I was not mistaken in my recollection.

Mr. LODGE. Will the Senator allow me to ask him a question?

Mr. PLATT of Connecticut. Certainly.

Mr. LODGE. I suppose the class of undesirable immigrants to whom the Senator refers are those known as birds of passage, who come here for a short time and return, taking their money with them. But the word "immigrant" is the word now used in all our laws on the subject; it is perfectly defined, and the classes it covers are perfectly well known; and I think its meaning has been established by decisions. I think the Senator will find that it will cover all the undesirable classes if I guess rightly the classes he has in mind.

Mr. PLATT of Connecticut. That is what I wanted to know. I am not familiar with the decisions. I simply know that yesterday it was stated in the Senate that the Century Dictionary definition of immigrant is a person who comes here to settle. It does not seem to me that it is worth while to leave this matter so indefinite as it will be left by this bill.

I apprehend that after this bill has passed there will be very

few alien persons coming to this country who will admit that they have come here to settle or remain. They will all claim they have been informed that there is plenty of work to be had in this country at good wages, and what they have come here for is to work until they get a little money, and then take themselves home and better their condition at home. Now, how in the practical enforcement of this bill, is that question to be met? Take the Italians. They do not come here intending to remain and settle in this country. They come, as do the Chinese, to work a while, get American wages, and then go back to their country and buy a little farm or a little business there, and so better their condition at home. The question will immediately arise whether they are immigrants in the true meaning of that word.

Mr. FAIRBANKS. Mr. President—

Mr. PLATT of Connecticut. Excuse me for just a moment. They will say, "We have not come to the United States to settle here. We heard that there was labor here, and we wanted to earn a little money and go back with it."

Mr. FAIRBANKS. I was merely going to ask the Senator from Connecticut whether the word "immigrant" has not appeared frequently in the statutes of the United States and whether it has been used in any different sense from that in which it is now used?

Mr. PLATT of Connecticut. I was trying to find what an immigrant is within the meaning of the statutes of the United States.

Mr. FAIRBANKS. My understanding is that an immigrant within the meaning of the statutes is a person who comes here not for temporary abode, but for permanent residence.

Mr. PLATT of Connecticut. Has it been held that a person who comes to the United States intending to work for one season and go back is an immigrant within the meaning of the statutes against immigration? Are there any decisions to that effect? I do not know about this matter. I think the committee ought to give us definite information on the subject, because if we leave open any question here as to what an immigrant is, it will make a great deal of disturbance in the enforcement of the law.

Mr. FAIRBANKS. I do not understand, speaking for myself, that the meaning of the word "immigrant" is enlarged or restricted by the proposed act. It is used in precisely the same sense in which it has been used in previous acts. I suppose it will be construed by the administrative officers, after the enactment of the bill into law, in the same manner in which it has been construed heretofore.

Mr. PLATT of Connecticut. Has it been construed heretofore that a person coming into this country of his own volition for the purpose of working here temporarily and going back is subject to the prohibitions contained in our present immigration law?

Mr. FAIRBANKS. I can not speak from positive knowledge upon that matter, but my very strong impression is it has not been so applied.

Mr. PLATT of Connecticut. I think, Mr. President, the passage of the pending bill will raise this question. Some person will apply at the Canadian border and say, "I heard that there was farm work in New England; that they want some help to get in the harvest. I have come down temporarily for that purpose, and when the harvest season is over I am going back." You will find that all along, in Minnesota and elsewhere; and unless that class of people can be excluded under the provisions of this law, they will all come in that way. Who is going to determine that question? Who is going to say that they have come here for any other purpose than for that of temporary employment?

Mr. PENROSE. Will the Senator permit me to state that there is nothing in this bill which alters the present law in its relation to the point raised by the Senator from Connecticut? The same condition prevails at present as to the construction of the word "immigrant" and as to the application of the present restriction to the peculiar class which he has in mind. This proposed law, therefore, raises no question on that point, and I have not heard that any complaints have been made by Senators or Representatives from the border States as to the administration of the present law by the Bureau of Immigration.

Mr. PLATT of Connecticut. I should like to inquire, if the Senator will permit me, whether the words "alien immigrant" now appear in any law of the United States?

Mr. PENROSE. I could not state positively to the Senator.

Mr. PLATT of Connecticut. I think they do not. The word is "alien."

Mr. PENROSE. I confess I do not see how that enlarges the scope of the present law.

Mr. PLATT of Connecticut. We have by statute provided for certain excluded classes. If I am not mistaken we speak in that exclusion act of "aliens," not "alien immigrants." I do not think that term has ever before been in our statute books. However,

I am not familiar enough with them to assert this positively. The exclusion act reads in this way:

The following classes of aliens shall be excluded from admission into the United States in accordance with existing acts regulating immigration other than those concerning Chinese labor.

I know we call our law the immigration law, but I think you will not find in any act now on the statute books any provision for excluding "alien immigrants" as distinguished from "aliens" generally. Inserting the word "immigrant" raises a new question. It is not to be decided on the question whether or not a person is an alien as it is now to be decided. Certain aliens are not permitted to come into this country. [A pause.] I find I am mistaken. The Senator from New Hampshire [Mr. GALLINGER] has called my attention to the act of 1893, where the term "alien immigrant" is used. But in my judgment you will have to meet the question whether persons coming here for temporary service which they expect to obtain are alien immigrants. I think there will be a great deal of difficulty under this proposed law in excluding persons who come claiming that that is their intention. I do not know whether the point has ever been raised or whether it has been decided in any court, but I am quite sure that the point will be made.

Mr. PENROSE. As I have said, the point as raised by the Senator from Connecticut is raised under the laws as they exist at present. There is nothing in this bill to cause that question to be raised by reason of the fact that there is anything new contained herein. I should imagine that persons coming in temporarily along the New England border, if they are found to be insane, if they are found to have contagious and infectious diseases, if they come under the bars contained in this bill, ought to be kept out. In any event, I doubt if the Senator from New Hampshire, who represents one of the border States, has had brought to his attention any complaints of inconvenience or hardship resulting from the present administration of the immigration laws as regards this transient immigration.

Mr. GALLINGER. Will the Senator from Pennsylvania permit me?

Mr. PENROSE. Certainly.

Mr. GALLINGER. I am gratified to have him state, from his knowledge of the immigration law, that the proposed law makes no change in that regard. Almost every mill in New England is dependent upon people who come from Canada to New England. In every brickyard in New England the workmen are men who come temporarily from the Dominion of Canada, with the intention on the part of most of them of returning.

Mr. HOAR. So of the farmers and woodchoppers.

Mr. GALLINGER. The senior Senator from Massachusetts suggests so with respect to woodchoppers and farmers. They are almost all French Canadians. I have been a little troubled myself, and thought of asking this question, so that it might go into the RECORD with a disclaimer from the chairman of the committee that the provisions of this bill changed existing law, or that there was any danger of that class of people being interrupted in their coming to New England and departing to their Canadian homes when their employment was at an end. It would be not only a hardship, but absolutely the means of stopping business to a very large extent in the line of manufacturing and otherwise in the New England States. I am sure the committee had no such purpose, and I have no fear that any decision will be rendered by the officials of the Treasury Department which would accomplish so disastrous a result.

Mr. LODGE. If the Senator from New Hampshire will allow me, I think with us the great body of the French who come here become citizens. There are comparatively few who come and go back. But the ones who do come and go back have never been interfered with, and I do not think they ever would be under the proposed law.

Mr. PLATT of Connecticut. Does that apply to those who come from Italy?

Mr. LODGE. No; I do not think it does. I think they are treated differently.

Mr. PLATT of Connecticut. How do they make the discrimination? Suppose an Italian comes to this country, and he is questioned, and in reply to the question whether he is going to remain here he says, "No; I have come over here to get temporary work, to earn a little money for myself, and I am going back as soon as I have done it." How are you going to make the discrimination? How are you going to say it is proper when the person comes in from Canada and that it is not proper when the person comes from Italy?

Mr. LODGE. As a matter of fact, they have discriminated between those classes of immigrants.

Mr. PLATT of Connecticut. If they have, the law does not provide for any such discrimination, and some day the question will be raised and will go into the courts.

Mr. PENROSE. The reason is found in the fact that these laws are administered with discretion and judgment. It is very easy to criticize these laws from a theoretical standpoint. A question was raised the other day upon the floor of the Senate by some Senator objecting to the measure. He said it was ridiculous to put a whole carload of visitors to the inconvenience and hardship of an examination at the border where the train may be only a few minutes at a station and then rush on. As a matter of fact, the inspector goes ahead perhaps 50 or 100 miles. He does not harass every passenger in the car. He does not inconvenience American citizens returning to their homes or persons who are not subject to the operations of this bill.

These laws are administered with tact, judgment, and discretion, and the fact that this bill does not in any way add any additional discrimination or affect this particular class in any manner different from the conditions under which they at present come into the country and leave it, and the fact that no complaint is made about the administration of the immigration laws in this respect, would seem to me to render it perfectly safe to pass this proposed law so far as this objection is concerned without any apprehension of difficulty or trouble.

Mr. PLATT of Connecticut. I made my inquiry from the standpoint of desiring to restrict immigration. I think there is altogether too much of it now in this country, and I wanted to be sure that in passing this law there had been restrictions put upon immigration rather than that the possibility of immigration had been enlarged. I hope it will be found, when the law shall come to be put into practical operation, that such has been the effect of this law; but I doubt it very much.

Mr. PENROSE. I desire to offer a substitute for section 21.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed, on page 19, to strike out all of section 21 and substitute in lieu thereof the following:

That any alien who shall come into the United States in violation of law or who shall be found a public charge therein from causes existing prior to landing shall be deported, as hereinafter provided, to the country whence he came at any time within two years after arrival, at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigrant fund referred to in section 1 of this act. Any alien who becomes a public charge by reason of lunacy, idiocy, or epilepsy within two years after arrival will be presumed to have become such from causes existing prior to landing unless the contrary be affirmatively shown.

The amendment was agreed to.

Mr. RAWLINS. I should like to ask the chairman of the committee if the clause in the bill of the last session found in section 13, which provides for taking the immigrant before the immigration officer at the port of arrival, precludes any physical examination being made of the proposed immigrant in the foreign country?

Mr. PENROSE. What page does the Senator refer to?

Mr. RAWLINS. In the original bill it is found in section 13. It is that provision of the bill which changes existing law by causing the immigrant to be taken before the immigration officer at the point of arrival, and thereby excluding any physical examination of the immigrant in the foreign country.

Mr. PENROSE. As I understand it, Mr. President, the alien immigrant is examined by the medical officers of the transportation companies prior to his embarkation. That examination is necessary for the protection of the companies as much as for any other purpose, as they are subject to certain penalties, disabilities, fines, and expenses for immigrants improperly brought into this country.

Mr. RAWLINS. Mr. President, the Senator is familiar with the subject, but as I understand the practice of these transportation companies it is that they employ every inducement by way of advertisement in foreign countries to persons to emigrate to the United States; that they charge these immigrants for transportation about \$40, while the cost to the companies is something less than \$3 per capita; and that it is the practice of these companies to make no inspection with a view of excluding any person from transportation to the United States.

It seems to me that we ought to insert in the bill a provision which would obviate that difficulty. I understand that now there is no such provision, and the existing law is modified to this extent, that it is now left entirely to the transportation companies to determine who shall be admitted to their ships for transportation to the United States.

It is an exceeding great hardship to poor and ignorant people in foreign countries to be brought to this country, paying for their transportation, and upon their arrival and examination to be excluded and forced to return. The hardship does not fall upon the transportation companies, but it falls upon the proposed immigrant. If there is anything which requires any sort of an examination abroad, other than that made unofficially by the

transportation companies, I would ask the chairman of the committee if he will kindly state it.

Mr. PENROSE. I do not understand that the bill contains any change in the present system in that respect so far as examination on the other side of the water is concerned. That opens up a very wide question as to how far the Government can and should conduct its inspection at the point of embarkation. It implies radical departures from present methods and a very large increase in the force of the Immigration Bureau. Various methods have been suggested, as consular inspection, an increased force connected with the Immigration Bureau, but it has not been thought necessary or wise at this time to go into any radical departure of that character.

Mr. BAILEY. May I ask the Senator from Pennsylvania if the law as it now exists does not provide for inspection at the port of departure?

Mr. PENROSE. As I understand it, Mr. President, it is simply an examination by the ship's officers, it being supposed to be to the interest of these transportation companies not to go to the expense of bringing over immigrants who would be barred by the law and thereby putting the transportation companies to the inconvenience and expense of returning them.

Mr. LODGE. If the Senator from Texas will allow me, I will say that the matter of consular inspection was very carefully considered in previous years. There is a great deal to be said for it, but we found it impossible to establish it owing to the objections made by countries in which our consuls were; they would not permit a consular inspection.

Mr. BAILEY. I have a recollection that the matter was debated in the other House.

Mr. LODGE. Yes; it has been debated here and considered at great length, and that was the conclusive objection.

Mr. BAILEY. I was not certain of the conclusion, but I was certain that the weight of the argument favored that inspection at the port of departure. The practical difficulty had not occurred to me. Then, I understand, this bill makes no change whatever in that respect?

Mr. PENROSE. Only that it makes a little more efficient and effective the present system.

Mr. RAWLINS. Mr. President, I would suggest to the Senator in charge of this bill that the bill, with all amendments that have been adopted up to this time, be reprinted. There have been quite a number of amendments. The bill is a very important one. Then let it go over, in order that we may have further time to inspect it and determine upon these amendments.

Mr. PENROSE. Well, Mr. President, I will make the request that the bill be reprinted.

Mr. LODGE. There are other amendments.

Mr. PENROSE. I will first ask the Senate to consider a few amendments which Senators desire to have considered at the present time. That will probably perfect the bill. It can then be reprinted and considered on another day by the Senate.

Mr. PLATT of Connecticut. Before we pass from the consideration of the bill, I should like to ask one other question. I should like to have the last clause of the first section read as it now stands.

The PRESIDENT pro tempore. The clause referred to will be read.

The Secretary read as follows:

*Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section 33 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon alien immigrants from Canada, Mexico, or Cuba, either as to all or as to any such aliens.

Mr. PLATT of Connecticut. What I wanted to inquire—I presume it is easily explained, but I do not quite understand it—is why that proviso was inserted. The immigrants who come from foreign countries to ports in the United States have to pay \$3 a head, and it is to be charged to the steamship lines and paid by them. Now, why should there be any different method? What is the necessity of making a different arrangement as to the immigrants who come from Canada or Mexico?

Mr. LODGE. In a subsequent section of the bill authority is given to the Secretary of the Treasury to make special arrangements with railroad and steamship lines coming from foreign contiguous territory. That has been found to facilitate the execution of the laws very much. It is already the practice in the case of Chinese immigrants, and it has been found that it was better to be able to make special arrangements with railroad and steamship companies from foreign contiguous territory, and to allow the Secretary of the Treasury to do that; that it was greatly for the convenience of the companies and of the Government also.

Mr. PLATT of Connecticut. In what respect do those arrangements differ from the arrangements made with foreign steamships coming to a port of the United States?

Mr. LODGE. They make an arrangement with a railroad company in regard to the collection and payment of the head tax, for example, so as to prevent the delay of the trains and to arrange for any of the details. It is the desire of the railroad and steamship companies to be allowed to make those arrangements. They take the responsibility in the case of railroads, and by making arrangements with the Government they are enabled to do it in a much more speedy and better fashion. There is no need of making an arrangement with a vessel coming into port. You have it all there on one ship, and it is going to stay a week; but with a passing train it is very important to be able to make an arrangement with the company.

Mr. PLATT of Connecticut. Is it that as the trains pass the number of immigrants shall be determined, and then at a certain time, a month afterwards, it is all charged up and paid in a lump?

Mr. LODGE. The railroad company takes the responsibility and pays the Government. The Secretary of the Treasury makes the arrangement.

The PRESIDENT pro tempore. Are there further amendments to the bill as in Committee of the Whole?

Mr. MALLORY. The Senator from Alabama [Mr. MORGAN] had an amendment which he intended to offer. I do not know whether he intended to offer it in Committee of the Whole or after the bill is reported to the Senate. I believe it would be in order to offer it in the Senate.

The PRESIDENT pro tempore. The amendment can be offered in the Senate.

Mr. MALLORY. Perhaps that is his intention.

The PRESIDENT pro tempore. The bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Shall the vote on concurring in the amendments be taken in gross?

Mr. FORAKER. Has the bill just been reported to the Senate?

The PRESIDENT pro tempore. It has just been reported to the Senate.

Mr. FORAKER. I rose to make an inquiry. I understood that the Senator from Kansas [Mr. BURTON] had an amendment which he was to offer before the bill was reported to the Senate.

Mr. BURTON. I rose for that purpose, and I will call up the amendment, if it is in order, at this time and ask the Senate to consider it. I introduced the amendment to-day and it was ordered to be printed, but I see no reason why it should not be considered at this time.

Mr. HOAR. Let the amendment be read.

Mr. BURTON. I ask that the amendment be read and that it be considered at this time.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Add at the end of section 3 the following additional proviso:

*And provided further, That nothing contained in this section shall be understood as applying to the Territory of Hawaii, but that whenever it can be shown to the satisfaction of the Secretary of Agriculture and of the Secretary of the Treasury that the number of agricultural laborers are insufficient for the proper agricultural development of the Territory, then the Secretary of the Treasury shall authorize and allow the admission to the said Territory of Hawaii a number of Chinese laborers sufficient in his judgment to supply the demands for such labor under regulations to be issued by him, and under the following conditions, to wit: That the said Chinese agricultural laborers shall be permitted to enter the Territory of Hawaii for the sole purpose of performing agricultural labor, and shall not be allowed to go from the said Territory of Hawaii to any other portion of the territory of the United States; that the persons or corporations in whose service said Chinese agricultural laborers are engaged shall first give a good and sufficient bond to the satisfaction of the Secretary of the Treasury to defray the necessary expenses of the said Chinese laborer's deportation to China in case he deserts the labor for which he was permitted to come to the said Territory.*

Mr. HOAR. I think that should go over.

Mr. MITCHELL. Mr. President, it seems to me that the proposition involved in the proposed amendment is one that ought not to be considered by the Senate until it has been referred to the appropriate committee and considered by that committee. I hope the honorable Senator from Kansas who offered the amendment will agree to that course.

Mr. BURTON. Mr. President, I am not solicitous about the present consideration of this amendment, provided it can go over and be considered by the committee; but I want to raise this question on the pending bill. I brought it up at this time because the bill was about to be reported. If the chairman is willing that the bill shall go over so that the committee can consider this amendment and that Senators may have an opportunity to study it, I have no objection at all, but I do think that it is germane to this bill.

I will say that I am very much in favor of this proposed legislation. I did not want to bring up this question before the Senate until after our committee—I mean the committee that investigated conditions in Hawaii—had reported; but this is a matter that is easily understood, and I have decided, for myself, that it is the kind of legislation that ought to be enacted.

Hawaii to-day is in a state of industrial and economic depression, just the opposite exactly from conditions that prevail in this country, and well-nigh everybody there attributes it to the fact that they can not get Chinese labor. I think it will be admitted by anyone who has carefully studied the situation in Hawaii that the native Hawaiian will not perform agricultural labor. The white man will not perform it there. They have attempted the importation of negroes, and that is a failure. It must be performed by either Chinese or Japanese, and as between the two everybody prefers Chinese. I think I am safe in saying that the merchants, the planters, the tradespeople, the manufacturers, and the skilled laborers as well are all in favor of this proposed legislation.

Mr. BACON. Will the Senator from Kansas permit me to ask him a question?

Mr. BURTON. Certainly.

Mr. BACON. Did the Senator make inquiry to know what was the desire of the native Hawaiians on the subject of the admission of Chinese?

Mr. BURTON. Yes, sir; they are in favor of it. I would not say all, for that would take in everybody, but certainly a very large majority of them are in favor of it.

Mr. HOAR. May I ask the Senator from Kansas a question?

Mr. BURTON. Certainly.

Mr. HOAR. Does this amendment come by authority of the Committee on Hawaii?

Mr. BURTON. No, sir. The Senator refers to the Committee on Pacific Islands and Porto Rico?

Mr. HOAR. The standing committee which includes Hawaii in its jurisdiction. Has that committee considered and recommended this amendment?

Mr. BURTON. No, sir; it has not been considered by the committee. It has been considered very carefully by the subcommittee which was sent to Hawaii to investigate conditions there, and that committee has not reported. I may say, since the question has been asked, that probably the members of that committee would not agree about this matter. Hence I hesitated to raise the question at this time, but seeing that this bill was up and about to be put upon its passage, as I thought the subject was germane, I brought it before the Senate for the Senate's consideration. There is much more—

Mr. BACON. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. BACON. I do not desire to unduly interrupt the Senator. Of course I recognize the fact that the Senator had an opportunity to ascertain the wishes of the native population, and his opportunity was very much greater than mine. Mine was extremely limited, but in the limited opportunity which I had the information which came to me was that the native people did not desire the Chinese to be brought in, whatever may be said as to other classes of the population of those islands.

Mr. BURTON. Well, I think, Mr. President, I risk nothing in saying that a very large majority of the natives, and especially the more intelligent natives, are in favor of restricted Chinese immigration to that Territory. This amendment, as Senators will observe, I think, has been drawn with very great care. It provides for the deportation of a Chinaman as soon as he leaves the plantation or as soon as he quits agricultural labor.

Mr. PERKINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from California?

Mr. BURTON. Certainly.

Mr. PERKINS. I should like very much to ask the Senator from Kansas a question.

Mr. BURTON. Certainly.

Mr. PERKINS. Is it not a fact that those who advocate the admission of Chinese into the Hawaiian Islands do so for the reason that their labor is very much cheaper than that of any other contract labor that it is possible for them to obtain?

Mr. BURTON. Yes, sir.

Mr. PERKINS. In other words, the planters are now making from 15 to 30 per cent on their sugar plantations in the Hawaiian Islands, while the Kansas farmer makes 6 per cent and the California farmer the same. If they can get Chinese labor they can double their income. That is the whole kernel in the nut. The whole question is one of cheap labor.

Mr. BURTON. The Senator asked me a question?

Mr. PERKINS. That is all.

Mr. BURTON. I will state to the Senator that every plantation in Hawaii I heard of, except one, has passed its dividends within the last two years instead of making the profits the Senator speaks of. The Senator is mistaken when he says that the owners of the plantations there are making money. They are not making money. They can not make money at the present

price of sugar and the present price of labor. It is the Japanese who have raised the price of labor higher than the traffic will bear, and they are not as good citizens as the Chinamen. That is the universal testimony, so far as I could get it, of all persons in Hawaii.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BURTON. Certainly.

Mr. TILLMAN. I believe we now admit the Japanese without restriction, the same as we admit Frenchmen?

Mr. BURTON. Yes, sir.

Mr. TILLMAN. And we do not admit Chinamen?

Mr. BURTON. No, sir.

Mr. TILLMAN. Yet the Senator says that it is the universal testimony that the Chinese make better citizens than the Japanese. Now, there is a contradiction out here somewhere, or else we have been legislating in the dark, and I should like the Senator to explain that.

Mr. BURTON. Well, I am speaking about the kind of Japanese who go to Hawaii and the kind of Chinamen who go to Hawaii, as they tell me. I do not think I talked to a single employer of labor who did not speak about the fact that the Chinese are preferable.

Mr. HOAR. May I ask the Senator a question?

Mr. BURTON. Certainly.

Mr. HOAR. Who is to deport the Chinese laborer who does not do his work, according to this amendment?

Mr. BURTON. The employer must give a bond, and the Senator will observe that it is placed in the discretion or under the control of the Secretary of Agriculture and the Secretary of the Treasury. I do not know that that is the best way to do it.

Mr. HOAR. Then if a man—you call a person a man under these circumstances—does not do his work to the satisfaction of his employer, somebody is to be given the power to take him and deport him. Who has that power?

Mr. BURTON. I do not think that the Senator from Massachusetts, if he will pardon me, states the matter just as it is.

Mr. HOAR. Let me read the amendment. It is as follows:

Mr. BURTON. Very well.

Mr. HOAR (reading):

That the persons or corporations in whose service said Chinese agricultural laborers are engaged shall first give a good and sufficient bond, to the satisfaction of the Secretary of the Treasury, to defray the necessary expenses of the said Chinese laborer's deportation to China in case he deserts the labor for which he was permitted to come to the said Territory.

Now, my question is, Who is to deport him?

Mr. BURTON. The employer gives a bond to the Secretary of the Treasury, and I suppose that the Secretary of the Treasury would, through his officers, deport him.

Mr. HOAR. Where is the authority to deport by law a man who is lawfully there because he does not do his work?

Mr. BURTON. Well, the Senator will observe that is to be done when he does not do a particular kind of work.

Mr. HOAR. Exactly; when he does not do a particular kind of work.

Mr. BURTON. This amendment would permit Chinese immigration for agricultural purposes only. It would not allow them to go into the mills or perform any kind of skilled labor. If the Chinaman should leave the plantation, or the rice field, or should leave agricultural work, then he would be subject to deportation.

Mr. HOAR. Who is going to deport him? I want to understand about this taking a man by the nape of the neck, on what is now American soil, and carrying him out if he does not do his work to the satisfaction of his employer. It is an example which, I suppose, the Senator from Kansas thinks a good one; but I want to understand all the bearings and relations of it, if I can.

Mr. BURTON. Just how the Secretary of the Treasury would proceed, or what machinery would be brought into play to send the Chinaman back, I have not fully considered.

Mr. FORAKER. Mr. President, would it interrupt the Senator if I should inject a remark there?

Mr. BURTON. Not at all.

Mr. FORAKER. The Senator from Massachusetts makes an inquiry upon that point as though deportation was something new.

Mr. BURTON. I was just about to say that.

Mr. FORAKER. We have been deporting Chinamen for a good many years when they were here under circumstances that warranted it. It is done, I believe, by the Treasury Department, acting through officials charged with that duty in proper cases.

Mr. HOAR. Yes; they are deported. I do not comment upon that law now one way or the other; but, at any rate, they are deported as persons who have no right to be here and had no right to come here, and that is a well-settled system on which we agreed. Now, when a man has lawfully come within our borders under a contract and is lawfully at work under his contract, it is said if he does not work he may be deported. It may be that the reason

he does not work is because he is cruelly treated; it may be because he claims the employer has not kept his contract; it may be because he is sick and can not work; but whatever may be the reason, somebody, not a judge, and, so far as I am aware, not the Secretary of the Treasury in person, for he is 5,000 miles away, is to take that man by a summary process and carry him back to China. I have not suggested to anybody whether that is right or wrong, but I think the Senate should know the machine.

Mr. FORAKER. Will the Senator from Kansas yield to me for a moment?

Mr. BURTON. With pleasure.

Mr. FORAKER. Mr. President, I have never seen this amendment until just this moment, when it has been put into my hands. I never heard it read until it was read at the desk a few moments ago, therefore the phraseology of it may be such, when I come to examine it, that possibly I should want to change it. My interest in this amendment is due to the fact that I happen to be the chairman of the Committee on Pacific Islands and Porto Rico. The Senate, by resolution adopted just before the vacation, authorized a subcommittee of that committee to visit the Hawaiian Islands and there make investigation and then make report to us as to the results of their investigation of a number of subjects. That subcommittee has returned. They were in the islands some weeks. I understand they investigated many subjects, and that they are preparing an elaborate report of their investigations.

I am told that they found the industrial condition of the islands very much depressed; that instead of sugar planters making 15 and 20 per cent profit upon their plantations, as stated by the Senator from California, they are operating at a loss. I do not know what the fact may be, but that is what the members of the subcommittee have informally reported to me; that the trouble is not that they can not get cheap labor, but rather that they can not get enough labor. The natives are not satisfactory laborers, on the plantations at least, and many of them will not labor at all. The only satisfactory labor they have been able to get is the Chinese labor. They want to be saved from the consequences of this ruinous depression, and in that behalf they want us so to legislate as to allow, in a restricted and safe way, some Chinese labor. I say restricted and safe, having in view our legislation on the general subject of bringing into that island Chinese laborers.

Mr. HOAR. Mr. President—

Mr. FORAKER. Now, I come to answer the Senator from Massachusetts, if he will bear with me just a moment.

Mr. HOAR. I desire to ask the Senator a question, but I will wait.

Mr. FORAKER. Very well. Under our treaty stipulations with China no laborers can come into this country on any account. The Congress, in pursuance of our treaty stipulations, has so enacted that they can not come to work on plantations or on farms or in shops or in mills or anywhere. In view of the conditions in Hawaii and the absolute necessity for Chinese labor, according to the report that has been informally made to me, it is sought by this amendment, or by some amendment that we may be able to approve, to allow a limited number of Chinese laborers to come in to Hawaii.

That will make their coming lawful. Any condition as to their remaining, after they have been lawfully brought in, it is competent for us to provide. We propose to provide as a condition—that is, the Senator does who has offered this amendment, if I correctly understand it—that they shall be brought under certain terms and conditions that will prevent their becoming a charge on that community, and under certain terms and conditions that prescribe what their employment shall be while they are there, namely, that they shall be brought and brought only to work as laborers on sugar plantations and farms where they are needed; and the language of this amendment, as I understand it, is that if after having been so brought they desert their employment or refuse to pursue it they may be deported.

It is not necessary to go into detail in this legislation as to how they shall be deported, because deportation is something with which we are familiar; we already have machinery for that purpose. It is a machinery that operates only when a Chinaman is found who is unlawfully here, as the Senator from Massachusetts suggests. But the Chinaman who comes here lawfully on the condition that he will pursue while here a particular vocation and then refuses to pursue it, will be here, after condition broken, unlawfully just as much as though he had come unlawfully in the first place. Then deportation will apply to him, if we so enact, the same as to any other Chinaman unlawfully found here.

Mr. TILLMAN. Mr. President—

Mr. HOAR. Mr. President, I understand—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I yield to the Senator from Massachusetts and then I shall get in later.

Mr. HOAR. I want to ask the Senator from Ohio whether his committee received this report and considered this particular amendment?

Mr. FORAKER. No.

Mr. HOAR. That is the question I previously put, and I so understand. Now I want—

Mr. FORAKER. Will the Senator allow me to say a word in answer to that?

Mr. HOAR. Certainly.

Mr. FORAKER. Our committee has not received a report. The report has not yet been fully prepared. I was about to inquire whether it had been prepared as to this point, namely, as to the industrial conditions obtaining at this time in Hawaii.

Mr. HOAR. But as to the legislation in this particular amendment, I understand it does not come with the authority of the Senator's committee.

Mr. FORAKER. No; it does not, because we have not had any opportunity to consider it.

Mr. HOAR. Perhaps it is a very old-fashioned notion, but my point is that whatever be right or wrong in regard to dealing with a man who has got unlawfully into this country—and I am not speaking about that now—when you come to take a human being and drag him or carry him against his will 5,000 miles from a place where he lawfully is on the ground that he has broken a contract or that he has no valid excuse for failure to work at a particular occupation, you are violating the fundamental and decent principles of all human justice or law; and it is an outrage to do it without surrounding that transaction with some security for its justice and its propriety. Whether this transaction is so surrounded now the Senator from Ohio does not know, and the Senator introducing the amendment does not know, and the Senate does not know.

Mr. BURTON. The Senator did not allow me to answer that part, and I will do it. I will wait, however, until the Senator from Ohio [Mr. FORAKER] is through.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I understood the Senator to say that this amendment had its origin in the fact that a subcommittee of the committee of which he is chairman had been appointed to visit Hawaii during the recess to examine conditions, and that those conditions are such that they have given rise to this proposed legislation. It seems to me that it would be fairer to the Senate that that committee should be allowed to formulate its ideas and submit them to us, so that we could examine some of the reasons instead of having one member of the committee rush in, although he tells us that there will probably be opposition from some other member. I say I think it would be fairer to us if this matter was brought in in an orderly way by letting the full committee pass upon the action of the subcommittee so as to get it before us in a proper manner.

Mr. FORAKER. Mr. President—

Mr. TILLMAN. I have another question, but I will not press it now.

Mr. FORAKER. Mr. President, it is not necessary for me to explain the action of the Senator from Kansas, for he has already explained it, and it is not necessary, certainly, for me to defend him against the charge of having rushed in prematurely. The Senator stated that he was loath to introduce this amendment to the pending bill simply because the subcommittee had been unable to prepare and lay before the Senate their report; that he had been holding his amendment back until that report could be laid before the Senate, but had been compelled to offer it now or not at all, because this bill was about to be put upon its passage.

I called attention to the fact, when the bill was about to be reported to the Senate from the Committee of the Whole, that the amendment had not yet been offered, because the Senator and those associated with him on the subcommittee had told me, quite naturally, I being chairman of the committee, something of what they had found to be the existing conditions in Hawaii, and the necessity for some such legislation as this. I had been told that they contemplated preparing an amendment and having it offered to this bill. I thought that if it was to be offered at all it ought to be offered now; and I called attention to it, because, being chairman of that committee, I feel a responsibility with respect to it.

We ought not to allow the islands of Hawaii to suffer for want of legislation which we may enact, if we find upon consideration that this legislation should be enacted. I am taking no position now as to that, one way or the other, but I feel it my duty, before this matter passes from consideration, to give this proposition a chance to be heard. I should much rather have the benefit of the committee's report, as the Senator from South Carolina suggests; but I do not regard that as indispensable.

Mr. TILLMAN. Mr. President, will the Senator permit me? The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. I desire to clear up any idea that I am criticizing the Senator from Kansas. I have no purpose or desire to pass any strictures upon that Senator's action. He has a right to introduce any amendment he pleases. The only question that presents itself to my mind is that we had up the whole subject of Chinese immigration to the United States proper and to the United States improper, as some of us consider the Philippines, and everything else last spring; we discussed it exhaustively, and I thought any question as to the conditions in Hawaii and the necessities of that insular annex was sufficiently considered then to make it unnecessary for us six months afterwards to rush forward under the claim that there is a terrible dearth of labor in the Hawaiian Islands and that they are about to get into a condition of industrial collapse and all that kind of thing.

It has occurred to me also that there might be other parts of the United States that would want labor and want it now and want it badly, and I do not really see why we should be discriminating in favor of a few corporations which own sugar plantations in the Hawaiian Islands and leaving out of consideration the millions—well, millions is not big enough—of acres of Southern lands that need drainage and need cultivation. I should like to have some explanation as to why these sugar planters in the Hawaiian Islands are such pets of ours that we can not pass a Chinese-exclusion bill at one session but that we must come along and modify it at the next.

Mr. MITCHELL. Mr. President—

Mr. FORAKER. Will the Senator allow me to say one word in answer to the Senator from South Carolina?

Mr. MITCHELL. Certainly.

Mr. FORAKER. This amendment has no reference to sugar planters, as a class, to the exclusion of other people in Hawaii. It is intended for the benefit of all the people in Hawaii. There are a few sugar planters there, I do not know how many; it is a great industry in the Hawaiian Islands and when it languishes, when sugar plantations can not be conducted except at a loss, and such I understand is the fact now, there is poverty and distress in the whole of the islands; all classes suffer.

Mr. TILLMAN. Then there is another question I should like to ask the Senator.

Mr. FORAKER. I should like to be permitted to answer that first and then I will yield to the Senator.

Mr. TILLMAN. The Senator is so prolific of ideas in my mind that I must beg his pardon if I respond too quickly.

Mr. FORAKER. The Senator from South Carolina starts all my ideas.

Mr. TILLMAN. It is the same with me.

Mr. FORAKER. This is not intended for the benefit of any class. It is proposed upon the theory that it will benefit all classes.

Now, what I wanted to say in answer to the Senator, before I quit on that point, is that a few moments ago I asked the subcommittee whether this portion of their report had yet been prepared, and if so, I will now ask that it may be at once printed, in order that we may have the benefit of it before we do act finally on this bill.

Mr. MITCHELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Certainly.

Mr. MITCHELL. Mr. President, I happen to be the chairman of the subcommittee. Only three members of the subcommittee appointed were able to visit the Hawaiian Islands—the Senator from Kansas [Mr. BURTON], the Senator from Washington [Mr. FOSTER], and myself. Under the authority imposed on us by the resolution of the Senate we investigated quite a number of rather important matters in Hawaii.

A great amount of testimony was taken, some 176 witnesses were examined in all, and a great many memorials and petitions were presented to the subcommittee for their consideration.

Among the subjects investigated was this one of labor in the islands. On that subject we received a great deal of testimony and a number of memorials, petitions, and letters, all bearing upon the question of labor in the islands.

The Senate will see that necessarily a considerable amount of work was imposed on the subcommittee in undertaking to digest the large amount of testimony we brought home with us. It was not convenient for the subcommittee to meet as a whole in Washington until a few days before the meeting of the Senate. We have been diligently at work trying to digest the testimony on the various subjects and in the preparation of what we desire to say to the Senate and to the committee of which we are a part.

There are several subjects that we have completed and acted

upon. So far as this particular subject is concerned, it has not been completed; it has been very little discussed in the subcommittee, and only in an informal and perfunctory way. It certainly, so far as I am concerned, has not been decided upon by the subcommittee one way or another, and as chairman of the subcommittee I frankly say to the Senator from Ohio that I am unable to say now what the report of the subcommittee will be on this particular question. That it will be, judging from what has occurred here, a divided report I have no doubt; but on which side there will be two and on which side one I do not yet know.

Mr. FORAKER. Mr. President—

Mr. MITCHELL. One moment, if the Senator will allow me.

Mr. FORAKER. I only want to ask the Senator from Oregon for some information on the point he is just touching upon.

Mr. MITCHELL. Certainly; I yield to the Senator.

Mr. FORAKER. The Senator from Oregon says the report will, he thinks, be a divided report on that point.

Mr. MITCHELL. I should judge so from what has occurred here to-day.

Mr. FORAKER. Will the Senator allow me to ask him whether he refers to the industrial condition now obtaining or to the question of admitting Chinese labor?

Mr. MITCHELL. I refer to the question of admitting Chinese labor.

Mr. FORAKER. There is no division, I understand, on the industrial condition.

Mr. MITCHELL. I agree that there is at present great industrial depression in the islands.

Mr. BAILEY. Will the Senator from Oregon permit me to interrupt him?

Mr. MITCHELL. Certainly.

Mr. BAILEY. I wish to inquire whether the committee will take the trouble to enlighten the country as to the wisdom of acquiring territory that can only be rescued from an industrial collapse by an importation of Chinese labor?

Mr. MITCHELL. That is a question we have not reached. As I said, I find no fault with the course taken by the Senator from Kansas [Mr. BURTON]. He has a perfect right to offer any amendment, as any other Senator has, to any bill which comes up here for consideration. Still, it does seem to me that so far as any action is concerned by the Senate upon this particular proposition as to whether or not it will loosen up the existing legislation on the subject of Chinese and admit them into Hawaii, it should not be decided until, in the first place, the committee of which we are a part, and then the Senate, shall hear what we, as a subcommittee, have to say on the subject.

Now, another thing. The Senator from Kansas states, and his statement is confirmed by the Senator from Ohio, that this is the proper time and place for this proposed legislation. I deny that. The history of legislation from the earliest period of Chinese restriction in the United States shows that legislation in regard to Chinese immigration has always been kept separate and distinct from general legislation on the subject of immigrants.

The question of excluding Chinese laborers because they are Chinese, because of their race, is a question that has never been considered in connection with a general law on immigration, or, if considered, provisions of that character have never been incorporated into legislation which relates to immigration generally.

Therefore I say that the particular subject involved in the amendment introduced by the distinguished Senator from Kansas is one that ought to be considered separately and apart from the bill now pending instead of in connection with it.

Our subcommittee, as I have stated, have not yet considered this particular question, except in a most informal manner, and will not until we have thoroughly digested all the testimony and memorials, affidavits, and letters presented to us relating to this particular branch of our inquiry.

Therefore, Mr. President, it does seem to me that this is a matter that can not be considered now in connection with the pending bill, and that it ought not to be considered now in connection with this bill, but that the amendment of the Senator from Kansas should go to the appropriate committee, of which the distinguished Senator from Ohio [Mr. FORAKER] is chairman, and it should there await the report of the subcommittee which has been investigating this matter in the Hawaiian Islands, for our report will be accompanied by an appendix showing all the testimony taken by us, so that the committee will have the full benefit of all we learned on the subject.

While the subcommittee, I presume, under the rules of the Senate, have authority to report directly to the Senate instead of to the full committee, it has been my intention, so far as one member of the subcommittee is concerned, that as to this particular branch of the inquiry at least we should report our conclusions to the full committee; and if I can have my way that will be done, so that the full Committee on Pacific Islands and Porto

Rico may look into this question in all its various phases and then report to the Senate their conclusions as to what ought to be done or what ought not to be done in regard to this particular proposition.

Mr. BURTON. Mr. President, when this bill was being discussed the other day I made inquiry of some of the Senators who have had a great deal more experience than I in this body—and among them the chairman of the committee—and obtained the advice that I would have plenty of time to present this amendment, even perhaps weeks from now. I did not expect to present the amendment until after our report was in. As I said once before to-day, this bill was up and was about to be put upon its passage, and several of the older Senators who knew that I had prepared the amendment suggested that I call it up.

I can not agree with my friend the Senator from Oregon [Mr. MITCHELL] that this proposed legislation is not germane to the pending measure. This is an immigration bill. In my way of looking at it there is a section of American territory that is in a state of industrial and economic depression; merchants, lawyers, doctors, manufacturers, planters, farmers, all are suffering. There is some cause for it.

Mr. MITCHELL. Will the Senator allow me to interrupt him for a moment?

Mr. BURTON. Certainly.

Mr. MITCHELL. Mr. President, I did not mean to say that the proposition submitted by the Senator is not germane to this bill in the sense of being subject to a point of order, or anything of that kind. What I meant to say, and what I did say, was simply that to place this amendment on the pending bill would be a departure from the policy of Congress upon this subject, for the reason that heretofore and always the policy of the Congress of the United States, when legislating on the subject of Chinese immigration, excluding Chinese on account of their race, has been to deal with it separate from other legislation and independent of it.

Mr. BURTON. I will state to the Senator from Oregon that there is a provision in the bill to prohibit the sale of intoxicating liquors in the Capitol.

Mr. LODGE. That was put in in the other House.

Mr. BURTON. At any rate, when we have an immigration bill under consideration, certainly the regulation of Chinese immigration is a proper subject for consideration.

I know, and I think Senators will agree with me, that unless we can have consideration of this amendment on the pending bill it will not be practical to get a law of this kind passed during the present session of Congress.

Let us suppose, for the sake of argument, that this is wise legislation. If it is, then this amendment is properly offered and pressed now. I am perfectly willing that the bill shall go over, and I hope that it will go over, until after our report is in and has been considered by the full committee. The Senator from Oregon will bear me out in saying that I had advised him before now that I had prepared this amendment and proposed to offer it. So it does not come as a surprise to him. Other Senators knew that I wanted this kind of legislation, that I believed in it.

The Senator from Texas says he wants to know whether or not we can subjugate or civilize a country only by Chinese labor. My answer is that we have acquired possessions in the Tropics, and we have acquired possessions that we intend to keep. The Territory of Hawaii is the paradise of the Pacific. It is the crossroads of the Pacific. It is the strategic point of all the trade in that great ocean, and the development of the trade of the Pacific will excel in reality, in my opinion, in the next few years what the wildest imagination now may conceive it to be.

For the last fifty years the better thought of the people of this country has been looking for the possession of Hawaii. The Democratic Administration of Franklin Pierce directed a treaty to be made for the acquisition of the Hawaiian Islands. It is now American territory. Our flag floats over it. The islands are in a state of industrial depression. In a short time, when our report is in, evidence will be presented showing that skilled laborers, the same as planters and merchants, want Chinese immigration, restricted to agricultural purposes. Nearly everybody who lives there wants it.

Mr. TILLMAN. Mr. President—

THE PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BURTON. Certainly.

Mr. TILLMAN. Does the industrial fabric of Hawaii rest on a condition which requires that there should be some ignorant mudsills there?

Mr. BURTON. I do not know what the Senator means by "ignorant mudsills." I am treating this question seriously, and, if the Senator from South Carolina will pardon me, I do not see exactly how to answer his question.

That Territory is susceptible of great development if we will give those people the aid we ought to give them, because we are

responsible for their being under the American flag. If we will aid those people in the way we ought to aid them, it will be a splendid acquisition to this country, and for one I want to help them in every way in my power, and I do not want any parliamentary practice to intervene here that will prevent the passage of legislation which, in my judgment, Mr. President, will be beneficial to all the people of these islands.

Now, one word in regard to the Chinese laborers who may be brought there. It is the experience of everybody that it is beneficial to the Chinese who come there and labor for a time and go back; it is to the benefit of those who employ them; it is to the benefit of skilled labor, because there is a great deal more going on when they are there; it is to the benefit, so far as I can see, of everybody to allow Chinese immigration, restricted to the purposes of agricultural labor only.

As to the question the senior Senator from Massachusetts [Mr. HOAR] raised, about the right to deport under certain circumstances a man who has lawfully been allowed to come on our territory—

Mr. HOAR. If the Senator will allow me, I raised no such question.

Mr. BURTON. Then I misunderstood the Senator.

Mr. HOAR. I wanted to know what was the machinery or method of doing it.

Mr. BURTON. Then I misunderstood the Senator. I thought he intended to raise the question of our right to do that.

Mr. HOAR. I distinctly said I did not raise it.

Mr. BURTON. Very well. Then I misunderstood the Senator. With regard to their deportation—

Mr. MCOMAS. Will the Senator allow me?

Mr. BURTON. Certainly.

Mr. MCOMAS. I listened with interest to the statement of the Senator from Massachusetts, and I also misunderstood him. Will the Senator from Kansas permit the Senator from Massachusetts to state what he did say with respect to the deportation of persons who are aliens.

Mr. HOAR. As I recollect what I said, it was that without discussing or raising the question of right, if we were going to deport a man from a place where he was lawfully found, I should like to know what the mechanism was, the tribunal which would determine whether he had complied with his contract, and so on. That is what I believe I said.

Mr. BURTON. The universal testimony is that the Chinaman who comes to do work in that Territory does the work; that he is commercially honest; that he keeps his contract; that his employer wants to keep him and will keep him as long as he will stay. It is the very best labor that the islands have ever had and the most satisfactory to the employer and to the employee for this particular kind of labor.

Mr. FORAKER. Will the Senator allow me to interrupt him to ask him two or three questions as a member of the subcommittee?

Mr. BURTON. Certainly.

Mr. FORAKER. I understand there is no difference of opinion among the members of the subcommittee on the point that there is an industrial depression in Hawaii from which all classes are suffering.

Mr. BURTON. That is obvious to anybody.

Mr. FORAKER. There is no difference of opinion upon that point. Is there any difference of opinion on this further point that it is due to the lack of labor and that the importation of Chinese would supply that want?

Mr. BURTON. I think it is due—

Mr. FORAKER. What I want to know is whether there is any difference of opinion among the members of the subcommittee?

Mr. BURTON. There is some difference of opinion in regard to that. I will say.

Mr. FORAKER. I want to get at the point whether the difference is as to whether the Chinese ought to be brought in—

Mr. MITCHELL. If the Senator from Ohio will allow me, I think there is room for considerable difference of opinion.

Mr. FORAKER. I can not hear the Senator from Oregon.

Mr. MITCHELL. I think there is room, under the evidence, for considerable difference of opinion, perhaps, on the question as to whether the real cause of the depression is attributable to the scarcity of labor—

Mr. FORAKER. That is what I wanted to know.

Mr. MITCHELL. And from this fact I will state—I am sure the Senator from Kansas will not disagree with me—the census figures show that there are in the islands to-day a fraction over 25,000 Chinese laborers, and that there are in the islands a fraction over 61,000 Japanese, or a total of over 86,000 Orientals.

The testimony shows that the sum total of Orientals, Chinese and Japanese, employed on plantations, in the field, is about 88,000. Deduct 38,000 from 86,000, the total number of Orientals

in the islands (and it is a fraction over that), and you have about 48,000 Orientals not on the plantations to be accounted for. Those 48,000 are either engaged in doing nothing, and are therefore a curse to the country, or otherwise they are engaged in vocations requiring skilled labor, and therefore not only coming in competition with skilled labor, but absolutely excluding skilled labor.

Mr. BURTON. I think there is room for disagreement as to what has caused the hard times in Hawaii; but not very much room. I think also that a careful investigation will change the figures somewhat as given by the Senator from Oregon. The Chinese have been leaving Hawaii, and none of them have been coming in, since annexation. The Japanese have been coming in by the shipload, and it is the Japanese who have worked into other callings there to a great extent.

There are some Chinese there who are citizens who can not be deported. They were first citizens of the kingdom, then of the provisional government and the republic, and of course became citizens at the time of annexation. There is a scarcity of Chinese labor for agricultural purposes in the islands, and the Japanese have raised the price, as I said a while ago, to more than the traffic will bear in view of the very low price of sugar.

Again, if the Chinese are admitted for agricultural purposes it will drive the Japanese off the farms and plantations. Everybody says that the Chinese are better laborers and better people for the country.

Mr. MALLORY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. BURTON. Certainly.

Mr. MALLORY. It is to make an inquiry. I should like to know if the Senator from Kansas in his inquiries in the islands ascertained whether there had ever been any serious effort to induce immigration into the islands from anywhere else than from China and Japan?

Mr. BURTON. Yes, sir; there has been a great deal of effort made to get laborers from a great many different places and countries.

Mr. MALLORY. Has there been any effort to secure them from the United States?

Mr. BURTON. Yes, sir; there has been an effort to get white laborers there, and an effort to get negroes there, and an effort to get Portuguese there, and an effort to get Porto Ricans there.

Mr. MALLORY. I should like to ask the Senator why it is that colored laborers of this country, for instance, or white laborers from this country could not go there and compete with other laborers in that country and make a success as agricultural laborers?

Mr. BURTON. I do not know why colored laborers could not work there upon the plantations. I only know that the experiments they have made have been failures. They can not get them to go there and remain upon the plantations or upon the farms. The Porto Ricans that they took there are failures. I think I can safely say that. The Portuguese were measurably a success. The white man will not work in the sun in any tropical country on this globe, in my opinion. The native—

Mr. MCOMAS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Maryland?

Mr. BURTON. Certainly.

Mr. MCOMAS. Before the Senator leaves the point on which he is now, I should like to ask him why the Porto Ricans can not and do not succeed in working in Hawaii? Why is it that they have failed as he says they have failed?

Mr. BURTON. I can not tell exactly, Mr. President. I can not answer the question fully. I do not know that the evidence, when printed, will show that fully, but I can give the Senator my opinion about it.

In the first place, I doubt very much if the best class of laborers were taken from Porto Rico, although the effort was made to get the best class of labor, because it was an expensive thing to those who were employing them. But for some reason they are a complete failure. They did not give satisfaction at all. If you will remember, Hawaii, when it was a kingdom, spent a great deal of money, made large appropriations to bring people from other countries there to try to get the right kind of labor.

If Chinese are permitted to come into that Territory for agricultural purposes only, I believe it will solve the labor question for that Territory. I believe it will not be opposed by skilled labor on the mainland. I believe it will not hurt the cause of labor, because no Senator and no man in this country wants to do anything that will injure the cause of labor. I was going to suggest—

Mr. BACON. Will the Senator permit me for a moment?

Mr. BURTON. Certainly.

Mr. BACON. I understand the proposition as formulated by the Senator, and even as considered by the committee, to be predicated upon the condition that the Chinese must be brought in there for a certain purpose, under bonds limiting them to certain kinds of labor?

Mr. BURTON. Yes, sir.

Mr. BACON. The question I desire to ask the learned Senator is this: When you take a man into a country on a bond permitting him to do only a certain kind of labor, under penalty of deportation if he engages in any other kind of labor, is not that a species of bondage? The word "bondage" comes from being under bond. There may be bonds of different kinds; there may be bonds of slavery; there may be bonds imposed by pecuniary considerations; but nevertheless in each case it is a consideration which limits a man's liberty.

Now, I desire to know from the Senator from Kansas, and I hope other Senators who agree with him will enlighten us upon that question, if it is not an approach to the slavery so often denounced here, and properly denounced, and which this country has absolutely repudiated, and with respect to which it has embodied in the fundamental law a declaration that it shall not exist in any manner, shape, or form in any place under the flag of the United States and the jurisdiction of its laws?

Mr. BURTON. I do not think it is any species of slavery whatever. If the Chinaman wants to come to Hawaii, he knows before he comes that he can come there and perform a certain kind of work. He is permitted to come for that purpose and that only. It remains with him to decide whether he will engage in that kind of work in Hawaii. If he does, he elects to do it as a free man, and agrees to go away if he does not do it.

Mr. BACON. If the Senator will allow me, he elects to become a bondsman.

Mr. BURTON. Oh, no.

Mr. FORAKER. The bond is nothing more nor less than an undertaking on the part of the employer that if the employee deserts the employment for which he is brought there, the employer will see that he is deported without any expense to the government.

Mr. BURTON. It is in no sense slavery, nor can it be tortured to mean that.

Mr. HOAR. May I ask the Senator from Kansas a question?

Mr. BURTON. Certainly.

Mr. HOAR. Is not the man to be brought there by somebody else? Is there any security that it is not pure cooly labor, brought over from China without the consent of the laborer when he starts? The phrase of the bill is—

Mr. BURTON. There is nothing in the amendment that speaks about how he is to come there.

Mr. HOAR. No.

Mr. BURTON. The question is the employment when he comes.

Mr. HOAR. That is my exact proposition—whether there is anything in this measure such as we used to have in our old labor laws and have now to a large extent in our immigration laws, to prevent the taking over there of cooly labor, pure and simple?

Mr. BURTON. I will say to the Senator that if the amendment does not cover that fully, I have no objection at all to any kind of an amendment that may be drawn, or this amendment may be changed in any way, to prevent laborers being brought into the country in that way.

Mr. HOAR. Then the amendment possibly needs further amendment. The phraseology of it is that the persons or corporations in whose service said Chinese agricultural laborers have been engaged shall give a good and sufficient bond, etc., to defray the deportation of such Chinese.

Now, my question is a pretty serious one, as the Senator recognizes by the seriousness of his answer. Is the Senator now prepared to assure the Senate that if this amendment passes, cooly labor, pure and simple, being the taking against their will from China, where it is permitted by the Six Companies or anybody else, of a number of laborers and carrying them over to Hawaii will not be employed?

Mr. BURTON. If the amendment were adopted, would not the general immigration laws apply, so as to prevent anything of the kind being done? I ask the Senator as a lawyer.

Mr. HOAR. It seems to me I should ask the Senator as a committeeman if he knows whether it will or not. The Senator's amendment should not be adopted unless the gentlemen on whose recommendation we take it know that and do not have to inquire.

Mr. BURTON. The Senator's answer, of course, is clever.

Mr. HOAR. Well, it is all I can answer. I do not know. I have not in my head at this moment, as a lawyer or in any other way, the memory of the detail of our existing laws so that I can tell the Senator the answer to the question I have put to him. I ought to know, but I do not.

Mr. BURTON. I will ask the Senator if the present immigra-

tion laws do not prohibit the bringing of contract labor into any part of American territory?

Mr. HOAR. I do not know whether or not it includes Hawaii.

Mr. BURTON. It certainly includes all parts of our territory.

Mr. HOAR. This amendment certainly proposes their coming into Hawaii, while our law and the proposed law with which we are dealing prohibits the admission of any man under any contract to labor. So, if that law now applies to Hawaii, this amendment is absolutely nugatory, because nobody can come in under a contract to labor.

Mr. BURTON. Is it not the purpose of the amendment—

Mr. FORAKER. Will the Senator allow me a moment's interruption?

Mr. BURTON. Certainly.

Mr. FORAKER. It has been stated here two or three times that no one has read this amendment except only the Senator who offered it. No one has had any opportunity to study its language. A great many questions have been asked, and one, a very important one, just now by the Senator from Massachusetts [Mr. HOAR]. I think we would all feel better satisfied in our consideration of it if we could now suspend the further consideration of the bill and let it all go over until to-morrow.

Mr. HOAR. I should like to ask one more question of the Senator from Kansas.

Mr. FORAKER. Then the amendment can be printed and we can have it before us.

Mr. HOAR. With the leave of the Senator from Ohio, I should like to put a question to the Senator from Kansas before he drops the subject for to-day, if he has no objection.

Mr. LODGE. I think the Committee on Immigration, in charge of the bill, would like to say something before this movement is carried through.

Mr. FORAKER. I have the floor, and I yielded to the Senator from Massachusetts to ask a question.

Mr. HOAR. It will take only a moment.

Mr. FORAKER. Very well.

Mr. HOAR. I want to ask the Senator from Kansas whether if these precise conditions at any time should be found to exist in any part of the United States, namely, that there is an agricultural or other business depression, caused by a scarcity of labor, and the price of laborers who can be got is so great that you can not manufacture or carry on your farm at a profit, and the community want it, would he be in favor of admitting Chinese labor to any part of this country?

Mr. BURTON. No.

Mr. HOAR. Very well. Then are you going to Hawaii as you would be done by?

Mr. BURTON. Yes. I will answer the Senator. The white man will labor on the mainland and he will not in Hawaii.

Mr. HOAR. Put him in a case where he will not.

Mr. BURTON. I understood the Senator to ask whether if we had a scarcity of labor on the mainland I would favor Chinese immigration for agricultural purposes.

Mr. HOAR. In Louisiana, for instance.

Mr. BURTON. No; because the labor can be supplied by Anglo-Saxon or other white men. But it can not be so supplied in Hawaii. The labor in the fields in Hawaii will never be supplied by the native Hawaiian or by the white man. It will be performed either by Chinese or Japanese. It will be performed by Orientals. Notwithstanding that the Hawaiian is a native there; notwithstanding that he makes the finest kind of a laborer in many directions, such as longshoreman, and is a splendid worker in the mills, and as a fisherman, and performs labor in many other fields, he will not go out and work in the sun in the cane field and on the farm. So the question is whether, if they are to have labor of this kind there at all, it shall be performed by Chinese or Japanese. That is the practical question. It matters not what legislation you enact or whether you enact any legislation at all or not, the work of the plantation will either be performed by Chinese or Japanese.

Mr. BAILEY. Will the Senator from Kansas permit me to interrupt him for a moment?

Mr. BURTON. Certainly.

Mr. BAILEY. What does the Senator say to a proposition which declares that a human being may come to a certain country and remain there as long as he pursues the cheapest labor, but the moment he aspires to rise to a condition higher than that of the cheapest labor, he must be expelled as unfit to reside there? It occurs to me that that is a strange kind of doctrine in this age, where every tendency is to uplift the laborer, to make the unskilled laborer's child of to-day the skilled laborer of to-morrow. That is my theory of dealing with the labor question; and I will never consent to vote that a man can stay in this country as long as he pursues but the cheapest and least skilled of employments, and that the moment he aspires to become a skilled laborer he must be deported under the provisions of a law like this.

Mr. BURTON. That is because the political policies of the distinguished Senator are provincial. It is because he did not favor the acquisition of Hawaii. He did not favor the acquisition of the Philippines. He does not favor the acquisition of any tropical country.

Mr. TILLMAN. He does not favor slavery.

Mr. BURTON. Therefore he is in favor of a certain rule that is applicable only to people who live in a temperate zone. Now, if the Senator can show me that the Chinaman who would be permitted to come there to perform agricultural labor is injured in any way instead of being benefited; if he can show me that skilled labor is injured in any way by his coming, and if he can show me that labor in any way is injured by the Chinaman being permitted to come there for that purpose, then I shall be ready to withdraw this amendment. But until he can do that I think a fair investigation will force the conclusion upon everybody that it is to the benefit of the Chinaman who is allowed to come, and who wants to go away after staying a limited number of years, and it is to the benefit of the men who are building houses, who are building manufactories, who are building mills, and who are trading, and who are growing cane, and who are growing or want to grow coffee, pineapples, rice, and other products. It is to the benefit of everybody and to the injury of no one except that it comes in conflict with a preconceived political theory; that is all.

Now, Mr. President, I have said very much more than I expected to say. Indeed, I did not expect to say anything on the subject at this time.

Mr. BAILEY. One more question, if the Senator will permit me.

I have an idea that the early settlers of New England and the later settlers of some of the Southern States did the African a distinct good when they caught him in the jungles of his native country and brought him to this country and put him in slavery, but I hardly think the Senator from Kansas or any other Senator in this Chamber would argue that in extenuation of slavery to-day. I have no doubt that a Chinaman in the less thickly settled islands of Hawaii would be somewhat better off than he would be in the densely settled Kingdom of China.

I am not one of those who have always professed friendship for labor. I have not always been able to support the demand of the advocates of labor. I have never been able to support the eight-hour law, which denies a citizen of the United States the right to contract for his personal services, and I never will. But I do think that I am as sincere a friend of labor as any good citizen can conscientiously be, though I may not be such a good friend as some profess to be.

However, what I object to is the moral, or rather the immoral, feature—the writing in a statute book of this country a law that condemns an unskilled laborer to be unskilled forever, which says to them as long as they will work for a cheap wage and at a vocation so laborious and so burdensome that the people who are native in that country will not, as the Senator admits, pursue it, so long as these people brought there will pursue that vocation which none others will take up, they can remain; but the moment they lift their eyes to a higher plane of labor that moment they must be banished under a deportation law. I never will consent to write that kind of a law against the labor employed in any part of this country.

Mr. BURTON. The comparison the Senator makes is a complete answer to his argument. In the first place, we did go to the jungles of Africa and we bound some and brought them to this land. We are not going to China to bind anybody to bring here. So the comparison is not a comparison, but a contrast.

Under this amendment the Chinaman would come here of his own free will, and he would come permitted to do only a certain kind of work. The African came here because he was captured and forced to come and was then put into slavery. What comparison could anyone except the learned Senator from Texas make between the existing condition of things in the old régime and this proposed amendment?

Now, Mr. President, as I said before, answer this question: Does not the Chinaman get a distinct benefit if you allow him to come? He does not want to stay. He will not stay. He wants to come and engage in a certain kind of work for a term of years and go back. He of his own volition contracts to come and to do certain work, just as much as any laborer is employed to do any specific kind of work. The only difference is that we say he shall not come unless he will contract to do only that specific work.

Now, he can stay in China if he wants or he can come, and he will come, as he wants to come, because it is a benefit to him to come and a great blessing to allow him to come. It is an improvement to the Chinaman. He carries back to his country something of a knowledge of our wise laws and our better civilization, and the employer, instead of being mean to the Chinaman, instead of being small with him, wants to keep him, because

he is commercially honest. He wants to keep him because he does keep his contract. He wants to keep him because it is beneficial both to the employer and to the employee.

Now, Mr. President, I ask the chairman of the committee if he is not willing that this bill shall go over, so that this amendment may be considered in connection with the bill? We can not hope to get this kind of legislation enacted during the present session unless we can have it considered in connection with the pending bill. Since that is true, and since it is perfectly apparent that the bill which is being considered will pass—I do not mean my amendment, but I mean the bill generally—and since it does not endanger its passage, I ask the chairman if he is not willing that the bill shall go over until such time as the Committee on Pacific Islands and Porto Rico can consider it and report so that we may have a better consideration of this amendment?

I know all Senators will acquit me of any purpose to suddenly inject this amendment into the bill or to take any snap judgment on anybody. I am earnestly in favor of this legislation. I believe it is necessary for one of our American Territories, and I see that this is the only practical way to get it during the present session.

Mr. PENROSE. Mr. President, as chairman of the Committee on Immigration, I could not favorably consider the request of the Senator from Kansas a moment, nor do I think any member of that committee would do so, because in my opinion this amendment does not belong in the bill. Whether it is theoretically germane or not I will not attempt to argue; but, as a matter of fact, Chinese legislation has always been kept separate and distinct from other general immigration legislation. It does not belong here and it is evidently premature. I would suggest—

Mr. BURTON. May I ask the Senator from Pennsylvania a question?

Mr. PENROSE. Certainly.

Mr. BURTON. The Senator speaks of general Chinese legislation. This is not general Chinese legislation. It relates only to one Territory of the United States.

Mr. PENROSE. It should come in the form of an amendment to the Chinese-exclusion law, which was passed at the last session of the present Congress. It does not belong in this bill, which is general immigration legislation, and to attempt to put it in is to depart from the universal practice of Congress, which is not to mix up the two kinds of legislation.

The amendment is evidently premature. The committee has not reported it. The committee is apparently divided upon it.

When the Committee on Immigration had this question up in reference to the restricted admission of Chinamen in the Philippine Islands and in the Hawaiian Islands they decided not to let down the bars. As late as last spring, in the opinion of the Committee on Immigration of the Senate, it was thought better to delay the development of the Philippine Islands and the Hawaiian Islands rather than to let down the bars for the admission of Chinamen even under restriction. As far as that committee is concerned, therefore, it has already taken a position against such an amendment, and no evidence has been submitted to it to alter its opinion.

I move, Mr. President, that this amendment be laid upon the table, so that when the Senator's committee is ready to report he can bring it up or introduce an amendment to the Chinese-exclusion act to carry out the purpose he has in mind. I therefore make the motion.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to lay on the table the amendment proposed by the Senator from Kansas. [Putting the question.] By the sound the ayes have it. The ayes have it. The amendment is laid on the table.

Mr. McCOMAS. I ask the attention of the chairman of the committee for a moment to page 3, line 16. There the bill defines who are anarchists. I want to suggest an amendment in line 16, that after the word "violence" there be inserted "of any government, of the Government of the United States, or" so that it may read:

Polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of any government, of the Government of the United States, or of all government.

A man may come here who will say, "I have advocated the overthrow by violence of a czar or of a king" but, he may say, "I have never advocated the overthrow by violence of the head of a republic." I suggest that those words are very helpful, and I hope the chairman will consider the amendment favorably.

Mr. PENROSE. I will accept the amendment.

Mr. CULLOM. Will the Senator yield that I may move an executive session?

Mr. HOAR. I should like to have the amendment carefully reported. I think the amendment goes farther than the Senator himself intends, if the Senator will hear it.

Mr. PENROSE. Very well.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. On page 3, line 6, after the word "violence," insert the words "of any government, of the Government of the United States or," so that, if amended, the paragraph will read—

Mr. HOAR. If the Senator will allow me to call his attention to it, he certainly, I think, on reflection, will not wish to retain the words "of any government," because there are governments in the world that ought to be overthrown by force or violence. What does the Senator say as to the government of the Moros at this moment?

Mr. MCCOMAS. I think that that remote insular proposition need not be interpolated in a definition of the propagandist of anarchy by violence.

Mr. HOAR. I do not know that I, as a member of the Senate of the United States, want to particularize all the governments; we may be on very friendly relations with them; but there are governments in this world that I for one would overthrow by force and violence very quickly if I could.

Mr. MCCOMAS. I think perhaps the Senator from Massachusetts having disposed of the Moros—

Mr. HOAR. Suppose the Senator makes it read, "the Government of the United States or of all government."

Mr. MCCOMAS. In order to get substantially the amendment that I want accepted I will leave out the words "or any government," although I do not agree with the Senator.

Mr. CULLOM. Pending that amendment, I move that the Senate proceed to the consideration of executive business.

Mr. PENROSE. I hope the Senator from Illinois will withhold his motion.

Mr. LODGE. I hope the Senator will allow us to get a reprint of the bill and not cut us off at this stage to-night.

The PRESIDENT pro tempore. Does the Senator from Illinois withdraw his motion?

Mr. MCCOMAS. I make the point of order that I had not yielded the floor. I suspended that the Secretary might read the amendment just offered, and I submit that the Senator from Illinois can not take me off my feet in the midst of the reading of the amendment. If the Senator will bear with me for a moment the amendment will be disposed of.

Mr. CULLOM. If the Senator will bear with me, I will desist from attempting to make the motion at this moment.

Mr. MCCOMAS. I will modify my suggestion to the chairman of the committee so as to insert in line 16, after the word "violence," the words "of the Government of the United States or."

Mr. PENROSE. It will then read, "of the Government of the United States or of all government." There can be no objection to that amendment, Mr. President.

The PRESIDENT pro tempore. The amendment will be read to the Senate.

The SECRETARY. On page 3, line 16, after the word "violence," insert the words "of the Government of the United States or," so as to read, if amended:

Polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PENROSE. I now ask for a reprint of the bill, with all amendments.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the bill be reprinted with all the amendments. Is there objection? The Chair hears none, and it is so ordered.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 10, 1902, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate December 9, 1902.*

##### CONSUL.

Thomas P. Moffatt, of New York, to be consul of the United States at Turks Island, West Indies, vice Henry H. Ellis, resigned.

##### RECEIVERS OF PUBLIC MONEYS.

William A. Hodgman, of Idaho, to be receiver of public moneys at Hailey, Idaho, his term having expired. (Reappointment.)

Edward E. Garrett, of Idaho, whose term will expire December 14, 1902, to be receiver of public moneys at Boise, Idaho. (Reappointment.)

E. D. Owens, of Cozad, Nebr., to be receiver of public moneys at North Platte, Nebr., vice Frank Bacon, deceased.

##### APPOINTMENT, BY TRANSFER, IN THE ARMY.

Second Lieut. John V. Spring, jr., from the Artillery Corps to the Cavalry Arm, with rank from October 18, 1902.

##### APPOINTMENTS IN THE ARMY.

###### Infantry Arm.

Nicholas W. Campagnoli, of New Mexico, to be second lieutenant, December 2, 1902, vice Elmore, Fifth Infantry, promoted.

[NOTE.—The nomination of Nicholas Campagnoli for the above appointment, which was delivered to the Senate December 4, 1902, is withdrawn, and this nomination submitted to correct an error in his name.]

John Gordon Macomb, at large, to be second lieutenant, December 5, 1902, vice Macmanus, Twenty-fifth Infantry, promoted.

##### PROMOTIONS IN THE ARMY.

###### Artillery Corps.

Capt. Edward T. Brown, Artillery Corps, to be major, December 3, 1902, vice Davis, detailed as assistant adjutant-general.

First Lieut. Frederick W. Phisterer, Artillery Corps, to be captain, December 3, 1902, vice Brown, promoted.

Second Lieut. Lewis S. Ryan, Artillery Corps, to be first lieutenant, December 3, 1902, vice Phisterer, promoted.

###### Infantry Arm.

First Lieut. Joseph F. Janda, Eighth Infantry, to be captain, subject to examination required by law, December 3, 1902, vice Vogdes, First Infantry, detailed as quartermaster.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 9, 1902.*

##### CONSUL-GENERAL.

Robert M. McWade, of Pennsylvania, now consul at that place, to be consul-general of the United States at Canton, China.

##### UNITED STATES ATTORNEYS.

William J. Youngs, of New York, to be United States attorney for the eastern district of New York.

Solomon H. Bethea, of Illinois, to be United States attorney for the northern district of Illinois.

Lunsford L. Lewis, of Virginia, to be United States attorney for the eastern district of Virginia.

##### MARSHAL.

William H. Mackey, jr., of Kansas, to be United States marshal for the district of Kansas.

##### PENSION AGENT.

John R. King, of Baltimore, Md., to be pension agent at Washington, D. C.

##### POSTMASTERS.

William B. Means, to be postmaster at Boone, in the county of Boone and State of Iowa.

Bradley S. Keith, to be postmaster at Norwalk, in the county of Fairfield and State of Connecticut.

Frank L. Averill, to be postmaster at Oldtown, in the county of Penobscot and State of Maine.

James F. Mentzer, to be postmaster at Knoxville, in the county of Marion and State of Iowa.

John McKay, sr., to be postmaster at Des Moines, in the county of Polk and State of Iowa.

Fred O'Neil, to be postmaster at Malone, in the county of Franklin and State of New York.

Althamer E. Chamberlain, to be postmaster at Holliston, in the county of Middlesex and State of Massachusetts.

Martin Hickey, to be postmaster at Grafton, in the county of Worcester and State of Massachusetts.

Albert C. Landers, to be postmaster at Newport, in the county of Newport and State of Rhode Island.

Charles S. Robinson, to be postmaster at Lonsdale, in the county of Providence and State of Rhode Island.

Theodore M. Giffin, to be postmaster at Haddonfield, in the county of Camden and State of New Jersey.

Nettie A. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa.

Arthur B. Jelliffe, to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut.

Arthur W. Stedman, to be postmaster at Wakefield, in the county of Washington and State of Rhode Island.

Charles W. Munsinger, to be postmaster at Coscob, in the county of Fairfield and State of Connecticut.

Thomas E. Hardgrove, to be postmaster at Elmhurst, in the county of Queens and State of New York.

E. P. Delander, to be postmaster at Madrid, in the county of Boone and State of Iowa.

Samuel Bartlett, to be postmaster at Pleasantville, in the county of Atlantic and State of New Jersey.

Joseph D. Whitaker, to be postmaster at Penn Grove, in the county of Salem and State of New Jersey.

George H. Bonney, jr., to be postmaster at Kingston, in the county of Plymouth and State of Massachusetts.

Joseph A. Rominger, to be postmaster at Bloomfield, in the county of Davis and State of Iowa.

Le Roy E. Cox, to be postmaster at Belle Plaine, in the county of Benton and State of Iowa.

Ebenezer S. Nesbitt, to be postmaster at Sea Bright, in the county of Monmouth and State of New Jersey.

Fred H. Torrey, to be postmaster at Groton, in the county of Middlesex and State of Massachusetts.

G. F. Peek, to be postmaster at Algona, in the county of Kosuth and State of Iowa.

Clyde E. Hammond, to be postmaster at Dows, in the county of Wright and State of Iowa.

Minnie N. Slaight, to be postmaster at Tottenville, in the county of Richmond and State of New York.

Frank E. Colburn, to be postmaster at Medina, in the county of Orleans and State of New York.

Frank B. Barnard, to be postmaster at Dunkirk, in the county of Chautauqua and State of New York.

Frank L. Field, to be postmaster at Belfast, in the county of Waldo and State of Maine.

John W. Dooling, to be postmaster at Clayton, in the county of Gloucester and State of New Jersey.

James H. Moran, to be postmaster at White Plains, in the county of Westchester and State of New York.

William H. Foley, to be postmaster at Bordentown, in the county of Burlington and State of New Jersey.

Cornelius L. Roberts, to be postmaster at Grinnell, in the county of Poweshiek and State of Iowa.

J. H. Dunlap, to be postmaster at Clarinda, in the county of Page and State of Iowa.

Adolph Bluestone, to be postmaster at Canaseraga, in the county of Allegany and State of New York.

Abiel D. Cook, to be postmaster at Despatch, in the county of Monroe and State of New York.

James A. Eaton, to be postmaster at Erie, in the county of Neosho and State of Kansas.

Henry W. Kellogg, to be postmaster at Katonah, in the county of Westchester and State of New York.

Clarence M. Bates, to be postmaster at Cherry Valley, in the county of Otsego and State of New York.

Winfield S. Vandewater, to be postmaster at Cedarhurst, in the county of Nassau and State of New York.

Jesse Forkner, to be postmaster at Columbus, in the county of Cherokee and State of Kansas.

Thomas H. Earnest, to be postmaster at Cherryvale, in the county of Montgomery and State of Kansas.

William Smith, to be postmaster at Livingston Manor, in the county of Sullivan and State of New York.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 9, 1902.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

### CUSTOMS INSPECTORS AT PORT OF NEW YORK.

Mr. DALZELL. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 215) regulating the duties and fixing the compensation of customs inspectors at the port of New York was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized to increase the compensation of inspectors of customs at the port of New York as he may think advisable and proper, by adding to their present compensation a sum not exceeding \$1 per day, which additional compensation shall be for work now performed by them at unusual hours, for which no compensation is now allowed, and shall include work performed by said inspectors at night in examining passengers' baggage, and also as reimbursement for expenses incurred by them for meals and transportation while in the discharge or performance of their official duties.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. McCLELLAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

### RECORDING OF LEGAL INSTRUMENTS IN INDIAN TERRITORY.

Mr. STEPHENS of Texas. I ask unanimous consent for the consideration of the bill which I ask the Clerk to read.

The bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory was read, as follows:

*Be it enacted, etc.,* That each place where a court of record is now held in the Indian Territory shall be a recording district, with jurisdiction to record all instruments permitted or proper to be recorded under the laws now in force in said Territory. The deputy clerk in charge of said court shall keep in his office all necessary books of record for the purpose of recording said instruments. The same fees shall be allowed said deputy clerk for such services as are now allowed the clerks of the recording districts in said Territory.

The deputy clerk at each place of holding said court shall be, and is hereby, made the ex officio recorder thereof. Said three recording districts now existing are hereby continued, but their jurisdiction is hereby limited to the actual limits of the jurisdiction of the court held in their respective districts. The new recording districts hereby created shall have jurisdiction over all of the Territory covered by the jurisdiction of their respective courts.

The amendment reported by the Committee on Indian Affairs was read, as follows:

At end of bill add the following:

"The judges of said respective courts shall immediately after the passage of this act define, by an order duly entered on their court dockets, the boundaries of each recording district herein provided for, and shall also make all orders necessary to carry into effect the provisions of this act—and chapter 27 of the Digest of the Statutes of Arkansas, known as Mansfield's Digest of 1884, is hereby extended to the Indian Territory, so far as the same may be applicable and not inconsistent with any law of Congress: *Provided*, That the clerk or deputy clerk of the United States court of each of the courts of said Territory shall be ex officio recorder for his district and perform the duties required of recorder in the chapter aforesaid, and use the seal of such court in cases requiring a seal, and keep the records of such office at the office of said clerk or deputy clerk.

"It shall be the duty of each clerk or deputy clerk of such court to record in the books provided for his office all deeds, mortgages, deeds of trust, bonds, leases, covenants, defeasances, bills of sale, and other instruments of writing of or concerning lands, tenements, goods, or chattels; and where such instruments are for a period of time limited on the face of the instrument they shall be filed and indexed, if desired by the holder thereof, and such filing for the period of twelve months from the filing thereof shall have the same effect in law as if recorded at length. The fees for filing, indexing, and cross indexing such instruments shall be 25 cents, and for recording shall be as set forth in section 3243 of Mansfield's Digest of 1884.

"That the said clerk or deputy clerk of such court shall receive as compensation as such ex officio recorder for his district all fees received by him for recording instruments provided for in this act, amounting to \$1,800 per annum or less; and all fees so received by him as aforesaid amounting to more than the sum of \$1,800 per annum shall be accounted to the Department of Justice, to be applied to the permanent school fund of the district in which said court is located.

"Such instruments heretofore recorded with the clerk of any United States court in Indian Territory shall not be required to be again recorded under this provision, but shall be transferred to the indexes without further cost, and such records heretofore made shall be of full force and effect, the same as if made under this statute.

"That wherever in said chapter the word 'county' occurs there shall be substituted therefor the word 'district,' and wherever the words 'State' or 'State of Arkansas' occur there shall be substituted therefor the words 'Indian Territory,' and wherever the words 'clerk' or 'recorder' occur there shall be substituted the words 'clerk or deputy clerk of the United States court.'

"All acknowledgments of deeds of conveyance taken within the Indian Territory shall be taken before a clerk or deputy clerk of any of the courts in said Territory, a United States commissioner, or a notary public appointed in and for said Territory.

"All instruments of writing the filing of which is provided for by law shall be recorded or filed in the office of the clerk or deputy clerk at the place of holding court in the recording district where said property may be located."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAYNE. Mr. Speaker, I would like to have an explanation of this bill.

Mr. STEPHENS of Texas. Mr. Speaker, this bill provides for additional districts in the Indian Territory for recording all instruments necessary to be recorded there. At present there is but one place in each nation where instruments may be recorded. We are placing upon the market town lots and allotting lands among the Indians of that entire country, and many deeds are being made by the United States Government to the Indians and purchasers of town lots. Many commercial transactions are made in that country evidenced by written contracts that require recording, and it is a very great hardship upon the citizens there to have only one place of recording in each Indian nation. For instance, Ardmore, one of the places of record at present, is situated about 150 miles by railroad from every point upon the Rock Island Railroad, and citizens now have, in order to record a deed or mortgage, to travel 150 miles, and there are two places of holding court on that road. This bill simply provides that at every place where a court is held in that Territory, that place shall also be a place of record, and that the boundaries of that place of record shall be the same as the jurisdiction of the court at that particular place, and the judges of the court are required to define, by an order entered in the minutes of their courts, the boundaries of each recording district.

Mr. PAYNE. How many new places of record does it give, practically?

Mr. STEPHENS of Texas. As many as there are places of holding court, and I do not remember the exact number. There are but five at the present time, as I understand it.

Mr. PAYNE. Is this recording officer paid by fees, entirely?

Mr. STEPHENS of Texas. Yes.

Mr. PAYNE. So that there is no additional expense to the Government of the United States?

Mr. STEPHENS of Texas. None whatever. It simply provides additional facilities by which the citizens of the Territory may have their legal instruments recorded.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

#### DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, I am directed by the Committee on Ways and Means to report back House resolution No. 340, for the distribution of the President's message.

The resolution and report are as follows:

*Resolved*, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to the revenue, the bonded debt of the United States, and the treaties affecting the revenue be referred to the Committee on Ways and Means.

That so much as relates to the foreign affairs, the consular and diplomatic service, including appropriations therefor, be referred to the Committee on Foreign Affairs.

That so much as relates to the appropriations of the public revenue for support of the Government as herein provided, namely, for the legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; for pensions; for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime and the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to banks and banking and the currency be referred to the Committee on Banking and Currency.

That so much as relates to the mints of the United States and to the coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the commerce of the United States, domestic and foreign, except so far as it affects the revenue, to intercolonial railways and cables, and the isthmian canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to agriculture and appropriations therefor and to forestry be referred to the Committee on Agriculture.

That so much as relates to the merchant marine and fisheries be referred to the Committee on the Merchant Marine and Fisheries.

That so much as relates to the military establishment and appropriations therefor be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy, and appropriations therefor, be referred to the Committee on Naval Affairs.

That so much as relates to the post-offices and post-roads and to the carrying of the foreign mails, and appropriations therefor, be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to the relations of the United States to the Indian tribes, and appropriations therefor, be referred to the Committee on Indian Affairs.

That so much as relates to the Territories, Alaska, and the Hawaiian Islands be referred to the Committee on the Territories.

That so much as relates to the islands which came to the United States through the treaty of 1899 with Spain, and to Cuba (except so much as relates to the revenue and the appropriations), be referred to the Committee on Insular Affairs.

That so much as relates to the irrigation of arid lands be referred to the Committee on the Irrigation of Arid Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to the militia of the several States be referred to the Committee on Militia.

That so much as relates to the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to foreign immigration be referred to the Committee on Immigration and Naturalization.

That so much as relates to printing be referred to the Joint Committee on Printing on the part of the House.

That so much as relates to the affairs of the District of Columbia (excepting appropriations) be referred to the Committee on the District of Columbia.

#### REPORT.

The Committee on Ways and Means, to whom was referred House Resolution No. 340, for the distribution of the President's message, report the same back without amendment and recommend its passage.

The SPEAKER. Does the gentleman desire to call it up for consideration?

Mr. PAYNE. I ask that it be referred to the Committee of the Whole House on the state of the Union, and I desire at this time to give notice that I shall attempt to call it up after the conclusion of the special order to-morrow.

The resolution, with the accompanying report, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

#### ADJOURNMENT OVER THE HOLIDAYS.

Mr. PAYNE. Mr. Speaker, by direction of the Committee on Ways and Means, I also report back the following resolution, which I will send to the desk and ask to have read.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian, Monday, January 5, 1903.

The report is as follows:

The Committee on Ways and Means, to whom was referred concurrent resolution No. 61, for adjournment over the holidays, report the same back without amendment and recommend its passage.

Mr. PAYNE. Mr. Speaker, I ask the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

#### INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes; which was read a first and second time, and, together with the accompanying report thereon, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order.

#### LONDON LANDING CHARGES.

Mr. TAWNEY. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Minnesota demands the regular order, which is the further consideration of the bill (H. R. 9059) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property."

Mr. TAWNEY. Mr. Speaker, before taking up the bill for consideration, I wish to state that I have just received a telegram from Representative OLMSTED, of Pennsylvania, who on Saturday last gave notice that he would call up the Butler election contest resolution to-morrow immediately after the reading of the Journal. For the information of the House, I will ask unanimous consent that I may read the telegram, so that the members may understand that it will not be possible for him to do so.

The SPEAKER. Without objection, the telegram will be read.

Mr. TAWNEY read the telegram, as follows:

HARRISBURG, PA., December 9, 1902.

HON. JAMES A. TAWNEY,  
House of Representatives, Washington, D. C.:

Chill early this morning. High temperature later, now going down. Doctor won't let me travel to-day. Think I can possibly leave here to-morrow morning 9 o'clock, reaching House of Representatives about 2. Will that do for Butler case? Would prefer putting over until Thursday, if satisfactory all around. Doctor says can surely be there then. Please have somebody wire me.

M. E. OLMSTED.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] is recognized on the bill H. R. 9059—the London dock bill.

Mr. TAWNEY. Mr. Speaker, since the consideration of the bill which is now before the House the Senate has passed a bill identical in form, purpose, and language to the bill under consideration. If this bill should pass the House, it would go to the Senate and would there have to be considered the same as the bill which is now in the House and has already passed the Senate.

I therefore desire to make this parliamentary inquiry, first stating that it is my purpose to move to substitute the Senate bill for the House bill. My parliamentary inquiry is, at what stage of the proceedings, or of the consideration of the pending bill, would it be competent for me to make that motion—at this time, or at the close of the debate on the present bill?

The SPEAKER. If the House were in Committee of the Whole on the state of the Union, we should have a division between general debate and debate under the five-minute rule; but we are proceeding under the morning hour. There is no five-minute rule and there is no general debate, unless by unanimous agreement. It seems to the Chair that the bill is up for consideration, and that any motion can be made that is proper under the parliamentary law of the House.

Mr. TAWNEY. At any time during the consideration of the bill?

The SPEAKER. The Chair sees no other method.

Mr. TAWNEY. Mr. Speaker, I give notice that before the conclusion of the general debate I shall move to substitute the Senate bill for the House bill, and in that way avoid the delay incident to the final passage of this measure which would necessarily follow if the House passed this bill. In that case each House will have passed the bill; but one or the other would have to pass it again before it could become a law.

Before addressing myself to the bill under consideration, I desire to say that when the special order was adopted on Saturday for the consideration of this bill, it was agreed by the House that the division of time should be arranged between the gentleman from New York [Mr. SHERMAN] and myself; and I wish to state, for the information of members, that we have agreed that the

time shall be divided equally, the gentleman from New York [Mr. SHERMAN] to control the time on behalf of the negative, and myself on behalf of the affirmative side of the question.

Mr. HEPBURN. Mr. Speaker, of course that means that you are to count on your side the time that you have already occupied.

Mr. TAWNEY. No; the arrangement between the gentleman from New York [Mr. SHERMAN] and myself is that the time for debate to-day is to be divided equally between the two sides.

Mr. HEPBURN. You have jockeyed my friend then to that extent.

Mr. TAWNEY. That is impossible. [Laughter.]

The SPEAKER. Without objection, this division of time will be recognized by the Chair.

There was no objection.

Mr. UNDERWOOD. I should like to ask the gentleman from Minnesota if the time for the vote on this bill has been fixed.

Mr. TAWNEY. Half past 4 o'clock.

Mr. Speaker, this is an important measure and there is a very general and widespread demand for its enactment into law. The conflict of interest which has led to the somewhat strenuous controversy over the passage of this bill is between the North Atlantic steamship companies and the export interests of the United States. The American exporters and business men generally have testified to their desire to have this bill enacted into law, through numerous commercial organizations and boards of trade. These organizations have adopted resolutions and forwarded the same to the members of this House and to the Committee on Interstate and Foreign Commerce, some of which are printed in the hearings on this bill before that committee.

For the information of the House I will say that some of these organizations urging the passage of this bill in this manner are the Minneapolis Chamber of Commerce, the Duluth Produce Exchange, the Chicago Board of Trade, the Kansas City Board of Trade, the St. Louis Merchants' Exchange, the Baltimore Chamber of Commerce, the Winter Wheat Millers' League of the United States, the Millers' Club of Minneapolis, St. Louis, and Kansas City, and the Michigan State Millers' Association. All of these organizations represent a very large proportion of the business men of the United States engaged in the exportation of American products to the port of London.

In addition to these resolutions I have here a petition, signed by the great packers of the city of Chicago, urging the passage of this measure. Inasmuch as the grounds upon which these packers petitioned this House for the passage of this bill are practically the same upon which the commercial bodies referred to have adopted their resolutions, I will read the petition of the packers of Chicago, who represent practically all of the exporters of meat products of this country.

CHICAGO, February 13, 1902.

To the Committee on Interstate and Foreign Commerce  
of the House of Representatives:

The undersigned packers and provision dealers in the city of Chicago respectfully represent that for many years they have been subjected to unjust discrimination by virtue of what is known as the "London clause" being incorporated in the bills of lading issued by steamship companies operating between the United States and London, England.

The undersigned respectfully beg to urgently protest against the continuance of this action on the part of shipowners who have been, and now are, inserting special clauses in bills of lading whereby products manufactured by us are subjected to charges in direct contravention of acts of Parliament which guarantee free landing for such products into the port of London.

The undersigned further object to, and protest against, any form of bill of lading which contravenes the intent and purpose of said acts of Parliament, whereby the city of London was made a free port; and we beg to suggest such amendment to the Harter Act of 1893 as will restrain shipowners from inserting in their bills of lading clauses by which the shippers of the United States are practically compelled to contract themselves out of the freedom of the port of London.

The undersigned also object to the imposition upon them by shipowners of the restrictions and disabilities now enforced by the bill of lading at present in use, for the reason that the clauses inserted and used to their detriment are unjustly discriminative, being exclusively applied to shipments from this country, while similar products shipped from Russia, Australia, and other countries are exempt therefrom, to the very serious injury and detriment of the export trade of the United States, which is thus deprived of the advantage of free delivery into barges, which is enjoyed by its foreign competitors in the city of London.

SWIFT & Co.,  
By L. F. SWIFT, Second Vice-President.  
LIBBEY, MCNEIL & LIBBEY,  
By ALBERT H. VEEDER, Attorney.  
A. S. WHITE & CO.,  
By BOYD, LIMHAUR & Co.,  
By HENRY ZEISS,  
FRIEDMAN MANUFACTURING COMPANY,  
By A. B. FRIEDMAN, President.  
ARMOUR & Co.,  
By J. OGDEN ARMOUR, President.  
NELSON MORRIS & COMPANY,  
By PLANKINTON PACKING COMPANY,  
By D. O. BOOTH, First Vice-President.  
THE CUDAHY PACKING COMPANY,  
By GEORGE MARKLES,  
Manager Foreign Department.  
STEVENS & CO.,  
HARTLEY BROTHERS.

Mr. BINGHAM. Who are the undersigned?

Mr. TAWNEY. Swift & Co., Libbey, McNeil & Libbey, Armour & Co., Nelson Morris, and others.

Mr. HEPBURN. I should like to ask the gentleman if those firms are the firms that are popularly known in the United States as the beef trust?

Mr. TAWNEY. I am unable to answer the question of the gentleman from Iowa.

Mr. MANN. Will the gentleman permit me to state for his information that I hold telegrams from these companies whose statements he has quoted in favor of this bill, withdrawing their support of the bill and stating that, in their judgment, its passage would be very injurious to American trade.

Mr. TAWNEY. The gentleman may have telegrams of that kind, as there are members of this House who hold telegrams from another exporting interest of the United States, received quite recently, withdrawing their support of this bill.

Mr. BINGHAM. What interest is that?

Mr. TAWNEY. The National Lumberman's Export Association. I have had telegrams within a week from the officers of this association, first wanting to withdraw their support, next denying they had withdrawn their support, and then again withdrawing their support; and I have a letter from one officer which may explain why they have now finally withdrawn their support.

Mr. BURLESON. Read it.

Mr. TAWNEY. I will print these telegrams and the paragraph from the letter I referred to as a part of my remarks.

In this letter, dated November 10, the author says:

I will state to you confidentially that the ocean carriers have approached us in several ways with the idea of having us withdraw our support and to call off our friends in Congress, so that the bill may be defeated. \* \* \* The reason I give you in confidence the last maneuver of the steamship people is because I do not think this is just the proper time to spring it on them.

Telegrams from members of the National Lumber Exporters' Association.  
MEMPHIS, TENN., December 3, 1902.

Hon. JAS. A. TAWNEY, M. C., Washington, D. C.:

Careful consideration of very recent advices forces decision that passage of London clause bill be prejudicial to our best interests. Must therefore withdraw our support.

ELLIOTT LANG, Secretary.

MEMPHIS, TENN., December 5, 1902.

Hon. JAS. A. TAWNEY, M. C., Washington, D. C.:

Our obligations to flour interests will not permit us to withdraw. Have just wired our friends. Please continue support of London clause bill.

ELLIOTT LANG.

NEW YORK, December 3, 1902.

J. A. TAWNEY,

House of Representatives, Washington, D. C.:

After serious consideration our members have decided that passage of bill H. R. 9059 would be very prejudicial to their interests. If we can honorably withdraw it is our desire to do so, but I want your telegraphic advices before final action. This message has been kept strictly secret.

ERNEST M. PRICE,

President National Lumber Exporters' Association.

To this last telegram I sent the following answer:

WASHINGTON, December 4, 1902.

ERNEST M. PRICE,

President National Lumber Exporters' Association,

18 Broadway, New York City:

Impossible to withdraw bill. What change has occurred at London or in steamship methods to reverse effect of passage of bill on your interests?

J. A. TAWNEY.

NEW YORK, December 4, 1902.

Hon. J. A. TAWNEY,

House of Representatives, Washington, D. C.:

Additional and more careful investigation has led our members to fear greater hardships and heavier expenses if clause abolished. Considering our obligations to flour interests, if we can honorably withdraw our support of the bill it is our desire to do so.

ERNEST M. PRICE, President.

NEW YORK, December 5, 1902.

Hon. J. A. TAWNEY,

House of Representatives, Washington, D. C.:

If any of our friends in House have telegraphic request from Secretary Lang to vote against bill and he has omitted to state that the request is made only provided our obligations to honorably support flour people is a condition precedent to request, it is through misunderstanding my wired instructions. I wired him last night to correct same. If they have not yet received same, please show them this telegram.

ERNEST M. PRICE,

President National Lumber Exporters' Association.

BALTIMORE, MD., December 9, 1902.

Hon. J. A. TAWNEY,

Riggs House, Washington, D. C.:

I am now instructed by my association, confirming my previous telegrams, to wire you as follows: Withdraw support our association to bill 9059, provided, in your judgment, we can do so consistently with our relations with the millers' association. If your decision is favorable to such a withdrawal, the association requests you to notify all our friends in House.

ERNEST M. PRICE.

To the gentleman from Illinois I will say that I said the paragraph in the letter referred to was confidential, but the author of

the letter informed me that the only reason he desired it to be regarded as confidential was because he did not think that was the proper time—November 10—to “spring” the fact stated in the letter on the steamship companies.

But, Mr. Speaker, independent of whether the packers of Chicago and the National Lumber Exporters' Association have withdrawn their support of this measure or not, independent of any consideration of whether or not special privileges may have been granted by the steamship companies to the lumber exporters, the question for this House to determine is not whether this or that interest has withdrawn its support and now repudiates all arguments it has heretofore made and denies the existence of facts it has heretofore urged in favor of the passage of this bill, but whether or not the bill is right and should be enacted into law. That question addresses itself to the good sense, intelligence, and mature judgment of the members of this House after a thorough investigation of the facts as disclosed by the testimony presented to the Committee on Interstate and Foreign Commerce by the steamship companies and by the American exporter.

Mr. Speaker, the purpose of this bill is to make it unlawful for steamship companies to incorporate in their bills of lading certain clauses whereby they impose upon the American exporter or upon the cargo owned by the American exporter the payment of certain charges for the doing of that which by the law of Great Britain at the port of London they are required themselves to pay. If all of the steamship companies transporting cargo to the port of London included this clause there would still be objections to it for reasons which I will explain later, but they do not. It is only steamship companies carrying cargo from the Atlantic ports of the United States and Canada that use this so-called “London clause” or that make the charge covered by this clause in addition to the charge for transporting the cargo from North Atlantic ports to the port of London.

This bill does not contemplate the first exercise of the power which Congress has in the matter of regulating bills of lading, one of the most important instruments of foreign commerce. It is not a departure from any previous act of Congress. It contemplates merely an amendment to a law known as the Harter Act, enacted by Congress in February, 1893. The Harter Act provides “that it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in the proper loading, stowage, custody, care, or proper delivery of any and all lawful merchandise or property committed to its or their charge.”

The act then provides that clauses of this nature, if inserted in bills of lading, shall be null and void, and suitable penalties are imposed for the violation of the act.

Prior to the enactment of this law these same steamship companies were imposing upon the American exporter by compelling him to accept a bill of lading containing clauses which would exempt the steamship companies from any common-law liability for damages sustained by the consignee or consignor in consequence of the negligence of the steamship company, its agents, or servants. The bill under consideration does not change this law in the least. It simply adds to that part of the act which I have just read a further provision making it unlawful also for the steamship company to incorporate any clause in their bills of lading that will exempt them from the payment of those charges or that expense connected with the landing of the cargo which, by the laws of the country to which the goods are shipped, is imposed upon the shipowner or shipmaster. It is true this bill is general in its terms, but in effect, if it becomes a law, it will apply to only one port in the world—the port of London—and will make it unlawful for the steamship companies carrying goods from the United States to the port of London to incorporate in their bills of lading what is to-day known as the “London landing clause.”

Mr. Speaker, in view of the fact that this subject is one with which the members of this House who are not members of the Committee on Interstate and Foreign Commerce have had very little opportunity to consider or obtain information upon, it is important that I should state what this clause is and say something concerning its history, the charges covered by it, and its effect upon the export trade of the United States to the London port. The best evidence of what the clause is is the clause itself, and inasmuch as it is comparatively brief, I will read it:

*London clause (A).*—The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays or to discharge them in craft hired by them immediately on arrival and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making ap-

plication to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid, with the freight, to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz: Following wooden goods in packages:

Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hoops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement or 2s. 6d. per ton weight, at ship's option. All other general cargo, except slates, 1s. 9d. per ton, weight or measurement, at steamer's option; minimum charge, 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after ship shall have reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage. Any single article weighing over 1 ton to be subject to extra expense for handling, if incurred. All measurement freight to be on the intake calliper measurement, as stated in the margin. Freight by weight (grain excepted) to be paid upon the weight stated in margin or at steamer's option upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad weights furnished at the port of shipment. No alteration will be permitted in any weight or freights included in this bill of lading except at steamer's option.

(b) Grain for overside delivery is to be applied for within twenty-four hours of steamer's docking, or thereafter immediately it becomes clear. In the absence of sufficient consignee's craft, with responsible persons in charge, to receive as fast as steamer can discharge overside into lighters during dock working hours, the master or agent may land or discharge into lighters at the risk and expense of the consignee. The steamer owners may land or discharge continuously day and (or) night any grain landed or discharged for ship's convenience during dock hours, consignee's craft being duly in attendance, and any grain that may be landed or discharged before or after usual dock hours (whether craft are then in attendance or not) is to be given up free to consignee's craft applying for same within seventy-two hours from its landing or discharge; otherwise it will be subject to the usual dock charges. An extra freight of 7d. per ton shall be paid to the steamer owners on each consignment of grain whether any portion be landed or not, the grain to be weighed at time of discharge, either on deck, quay, or craft, at steamer's option. Working-out charges (including weighing) for grain in bulk and (or) steamer's bags to be paid by the consignee with the freight to the steamer's agents, or to the dock company, if so directed by the steamer's agents, in exchange for release, at the rate of 1s. 9d. per ton on wheat, maize, and heavy grain, 1s. 11d. per ton on barley, and 2s. per ton on oats. Neither party shall be liable for any interference with the performance of the contract herein contained which is caused by strikes or lockout of seamen, lightermen, or shore laborers, whether partial or otherwise, nor for any consequences of such strikes or lockout; but in such case the steamer owners shall be entitled to land or put into craft at the risk and expense of the consignee. In case the grain shipped under this bill of lading forms part of a larger bulk, each bill of lading to bear its proportion of shortage and damage, if any.

These London clauses “a” and “b” are to form part of this bill of lading, and any words at variance with them are hereby canceled.

Craft which are in attendance for delivery under above clauses and stipulations shall wait, free of demurrage, their regular turn to receive goods or grain as required by steamer owners, either from steamer or quay or captain's entry craft.

The steamer owners shall have the same lien, rights, and remedies on goods or grain referred to in the above clauses or under any other clauses of the bills of lading as they have by law in respect to freight.

Hay, illuminating and lubricating oil clause.—Consignees to have craft in attendance immediately on steamer's docking to take delivery from steamer or quay at steamer owner's option, working continuously day and (or) night, paying in any case 1 shilling 3 pence per ton weight, or otherwise the goods will be put into captain's entry craft at consignee's risk and expense.

The above clause overrules anything in the body of this bill of lading at variance therewith.

Notification clause.—Also no claim shall, under any circumstances whatever, attach to the steamer or her owners for the failure to notify consignees of arrival of goods.

From this it will be seen that these steamship companies, in addition to the freight received by them for transportation of the cargo to the port of London, receive from 1 shilling 9 pence to 3 shillings 3 pence per ton. What service in addition to carrying the merchandise do they perform in consideration of the payment of this 1 shilling 9 pence on flour? I speak of flour because that is the principal export from the State which I have the honor in part to represent upon this floor. Last year almost one-quarter of all the flour exported from the United States was exported from that great milling center of the world, the city of Minneapolis. This charge is to compensate the steamship companies for doing what? For delivering the merchandise at the port of London to the consignees. This, I venture, is the only instance where common carriers include in their waybills or bills of lading clauses covering charges or expenses incident to the unloading of the cars or the vessels or placing the merchandise where it can be conveniently obtained by the consignee. It is comparatively recent that this clause has been inserted in bills of lading for the transportation of merchandise from the United States to the port of London.

Until 1888 the consignee or the cargo did not have this charge to pay. Until that time the expense incident to the unloading of the vessel was paid by the steamship owner out of the freight received for the transportation of the cargo from American ports. The labor incident to the unloading of their vessels up to that time was, for their convenience, performed by the London and East India Docks Company. For that service the docks company charged the steamship company, and the steamship company paid this charge, as by the law of Great Britain it is compelled to do to-day, and will have to do to-day if we make it unlawful for it to incorporate this clause in its bill of lading whereby it transfers the obligation imposed upon it by the law of Great Britain to the exporter of the United States.

Mr. COOPER of Wisconsin. Will the gentleman allow me an interruption?

Mr. TAWNEY. Certainly.

Mr. COOPER of Wisconsin. Will the gentleman explain what he means by using the term "delivery?" Does he mean cartage?

Mr. TAWNEY. No; delivery on the quay or dock or unloading the ship and sorting the cargo for the consignee, either on the dock or overside into the lighter.

Mr. LAWRENCE. If the gentleman from Minnesota will allow me, I have seen a statement made, perhaps in the minority report, that the charge is not made for transportation of goods from the vessel to the dock, but for the special care of the cargo after it is on the dock.

Mr. TAWNEY. The best evidence of what this charge is made for is contained in the clause itself. I will not quibble with the minority or with the steamship companies as to what this London landing clause covers; it speaks for itself. Now, the first clause that was adopted in 1888 was very simple, and is very different from the clause that is in force to-day. The original London landing clause reads as follows:

The shipowners shall be entitled to land these goods on the quays of the dock for the steamer discharges immediately on her arrival, and upon the goods being so landed the shipowners' responsibility shall cease. This clause is to form a part of this bill of lading and any words at variance with it are hereby canceled.

Now, at that time it was for their own convenience in the landing of their cargoes that they incorporated this clause giving them the right to land the same on the quays or dock and there was no charge made originally for that. Then there is a note—

N. B.—Delivery into lighters—

and I will say here that 76 per cent of all cargoes that go to London is landed into lighters, either direct or over the quay or the dock to the lighter. One of these docks, the Tilbury dock, is 30 miles from the wharf houses of London, and the other, the Victoria and Albert, is 7 miles from London. Necessarily the cargoes are transported up the River Thames by means of barges and lighters and craft of that kind.

N. B.—Delivery into lighters: Consignees desirous of conveying their goods elsewhere shall, on making application to the dock company within seventy-two hours after the steamer's report (instead of twenty-four hours, as previously), be entitled to delivery into lighters at the following low rates: Grain, rice, flour, coffee, oil cake, sugar in bags, cotton seed, bacon, beef, and pork (not canned), one-half; other goods in packages, 1s. 6d.; deals and lumber, 2s., all per ton of 2,240 pounds.

(This rate was afterwards increased to 1s. 6d. per ton.)

Now, the London clause of to-day is altogether different from the one first used. Then it imposed no charge for landing on the quay or dock. Then if they chose to do so it was for their convenience and the expense thus incurred in landing the cargo was paid out of the freight, but this is not so under the present London clause. Now they compel the shipper to bear this expense in addition to the freight, as will be seen from Clause A, which I will read:

(A) The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays, or to discharge them in craft hired by them, immediately on arrival, and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the steamer shall have been reported, be entitled to delivery into consignee's lighters at the following rates, to be paid with the freight to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:

And then it goes on to enumerate the various items of merchandise and the rates per ton for the delivery or the landing of that merchandise from the hold of the ship onto the quay or dock, or over side into the lighter.

Mr. Speaker, this matter has been considered and passed upon by the English Parliament, and not very long ago—in 1894—the merchant shipping act was amended. That act now provides as follows:

If at any time before the goods are landed or unshipped—

Mark the language—

If at any time before the goods are landed or unshipped the owner of the goods is ready or offers to land or take delivery of the same, he shall be allowed to do so; and his entry shall, in that case, be preferred to any entry which may have been made by the shipowner.

Now, mark this:

4. If any goods are, for the purpose of convenience in sorting the same, landed at the wharf where the ship is discharged, and the owner of the goods, at the time of that landing, has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment.

Thus it will be seen that, according to the law of Great Britain, the consignee has twenty-four hours after the goods are sorted

and piled within which to obtain the same free from any charge except the freight charge.

And the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

Now, these steamship companies that use this London landing clause are, as I am informed, with one exception, incorporated under the laws of Great Britain. The reason for that was stated by their representative before the Interstate and Foreign Commerce Committee. When asked by the gentleman from Georgia [Mr. ADAMSON] why they incorporated under the laws of Great Britain, he answered by saying that it was because it was more profitable for them to do so, and to sail under the English flag than to sail under the American flag. He also admitted that practically all the stockholders were American stockholders.

Now, here is the law of Great Britain protecting the consignee, and thereby directly protecting the exporters of the United States, and both are deprived of that benefit by these English corporations transferring the obligation to pay these charges imposed upon them by the law of the country under whose flag they sail to the American exporter. The expense incident to this landing and sorting is, at common law, a part of the contract of the carrier, and should be paid out of the freight; but the statute of Great Britain, in addition to that, imposes this charge directly upon the shipowner. And how do the shipowners evade it? By incorporating in the bill of lading—into the contract of shipment entered into with citizens of the United States—a clause which compels the consignee to pay the charge for unloading or landing the cargo in addition to the freight.

The inland shipper has no means whatever of knowing what clauses there are in the contract of shipment from the seaboard. A gentleman from Milwaukee, Mr. Madgeberg, when before the Committee on Interstate and Foreign Commerce, read to the committee that clause which is contained in the inland bill of lading. I read from the testimony of Mr. Madgeberg, on page 38 of the hearing:

We, under a clause in our bill of lading that inland shippers must take or take nothing, contract ourselves out of the right which we would have otherwise on the other side of the water under the act of Parliament which prohibits any charge except the freight charge for delivery at or over the rail. This clause is as follows:

"Also, that the property covered by this bill of lading is subject to all the conditions expressed in the approved forms of bills of lading used by steamship companies at the time of shipment, and to all local rules and regulations at the port of destination not expressly provided for by the clauses herein."

So that the inland shipper is not only at the mercy of the carrier; he must either accept such bills of lading as the steamship companies may present or not export his goods at all, and when he receives his bill of lading from the inland carrier he has no means of knowing what obligation the ocean bill of lading may impose on his merchandise in respect to the delivery thereof at the port of London, and in addition to the freight he agrees to pay. It is absolutely within the arbitrary power of these steamship companies to make this landing charge anything that they see fit to make it. They have increased it from 1 shilling 2 pence to 1 shilling 9 pence, and they undertook less than a year ago to increase it to 2 shillings on flour, and were prevented only because of the storm of protests from the importing merchants of the city of London.

Mr. WANGER. Mr. Speaker, I would like to ask the gentleman a question, as to what the volume of American flour was which was exported to London in 1888 at the time the landing clause was first inserted.

Mr. TAWNEY. I am unable to answer the gentleman in respect to the amount of American flour exported to the port of London. I will say, however, that I am informed that the statement made in a minority report that there was only about 178,000 hundredweight of flour imported at the port of London in 1900 from all other countries is a mistake. My information is there was 1,100,000 hundredweight imported from Australia alone.

Mr. WANGER. Will my friend permit me another question? Has not the number and capacity of steamers engaged in the business of carrying American products to London been multiplied several times over since 1888?

Mr. TAWNEY. I do not know whether they have been multiplied several times over. I know they have materially increased in number.

Mr. WANGER. And in capacity.

Mr. TAWNEY. And their size and capacity have been increased, as I believe every stockholder of every steamship company knows that it is more to their advantage and profit to carry a large cargo than it is to carry a small one. I do not see how that is any argument that should appeal to the representatives of American shippers in favor of their incorporating a clause in the bill of lading providing for charges which, when added to the freight, makes an exorbitant freight charge.

Mr. WANGER. If it had become desirable to ship American

products to the port of London, is there not a substantial reason for it?

Mr. TAWNEY. Yes; there is a substantial reason for it, and for the information of the gentleman and of the House I will read a paragraph from Choate's report, which shows what the substantial reason for this landing clause is.

In giving evidence before the Royal Commission on the port of London May 6, 1901, Mr. Scott, who is the president of the London and East India Docks Company, says in reply to Sir John Wolfe Barry:

Q. Under the conditions of the Northern American trade, the shipowner has done his work when he puts the cargo on the quay?

A. Yes; but the shipowner under the North American bill of lading by his bill of lading is entitled to make a charge for doing that, and there is a considerable amount of profit hanging on to that, so that the shipowner is anxious to put it on the quay.

That is the substantial reason for incorporating the London landing clause in the bill of lading. It is the profit they make under the clause that prompted them to insert it, and this profit they enjoy in addition to the profit realized out of the freight paid by the shipper.

Mr. WANGER. But if this charge was oppressive, would it not tend to the diminution of exports to that port instead of to their multiplication?

Mr. TAWNEY. Not necessarily. Let me answer the gentleman by giving him a few facts. Last June or last spring the export millers of Minneapolis attempted to ship their flour to the port of London without this additional freight charge. They shipped to London via New Orleans, and the steamship company carrying their flour did not incorporate in its bill of lading this clause imposing upon the cargo an extra charge for unloading and landing the cargo. What was the result?

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman permit an interruption? Is it not a fact, and if it is a fact, why is it, that the exports from the United States and Canada are the only exports which are charged this extra money for being taken off the ship?

Mr. TAWNEY. If the gentleman will wait a moment I will reach the point of discrimination.

Mr. GAINES of Tennessee. Is it a fact that they are so charged?

Mr. TAWNEY. It is a fact. If this charge is made by any other steamship company in the world except the North Atlantic lines it is paid out of the freight by the steamship companies. I want to show to the gentleman from Pennsylvania [Mr. WANGER] just how the American exporter is trying and has tried to get American exports into that port of London on an equal basis with like exports from other parts of the world, and then he can answer his own question as to the effect of this extra charge upon American exports. I have said that the Minneapolis millers commenced shipping their flour to London via New Orleans by a steamship company running directly from New Orleans to the port of London, and in that steamship company's bill of lading there was no landing clause. There was no clause imposing an additional charge for unloading the vessel either on the quay or overside into the lighter. On the 9th of June, my colleague [Mr. FLETCHER] received the following telegram from Washburn-Crosby Company, of Minneapolis, the largest export millers in the United States:

MINNEAPOLIS, MINN., June 9, 1903.

Hon. LOREN FLETCHER, House of Representatives, Washington, D. C.:

Just received cable from London stating certain London steamship lines attempting to force Cuban steamship line from granting flour receivers free overside delivery. We had chosen New Orleans route and Cuban steamship line in an attempt to avoid London landing charge, but you can see from this the desire on the part of the other London lines to cut off every chance of our entering London without paying landing charge. We hope you will be successful in the passage of the Harter Act, which will adjust this abuse. Have written full particulars.

WASHBURN-CROSBY COMPANY.

Now, Mr. Speaker, how did these Atlantic steamship companies attempt to prevent this Cuban line from carrying American exports without using a bill of lading such as they demanded?

First they went to the proprietors of the Cuban steamship line themselves—and I have this upon the authority of the man who conversed with the officers of that line—they first threatened them and endeavored in every possible way to induce them to incorporate the London clause into their bill of lading, but they were refused. What did they do next? They went to the dock company and threatened to build wharves farther up the river if the dock company did not compel the Cuban line to adopt the North Atlantic bill of lading, and then the dock company demanded of this steamship line that it incorporate the London landing clause in its bill of lading, otherwise it would have difficulty in getting suitable facilities for unloading its vessels at that dock. It was also stated that means of delay in handling its ships and cargo would be found if this demand was refused. It was under these circumstances, as I am informed, that the Cuban

line was finally obliged to compromise and did compromise by charging against the cargo half the amount charged by the North Atlantic steamship companies under the London landing clause for landing the cargo.

Mr. HEPBURN. Will the gentleman permit a question?

Mr. TAWNEY. Yes.

Mr. HEPBURN. Does the gentleman mean to inform the House that, after all, the London dock companies are the parties who control this situation?

Mr. TAWNEY. No; I do not mean to say that they—

Mr. HEPBURN. They did in this instance.

Mr. TAWNEY. Does the gentleman mean to ask whether they control the situation with respect to this clause?

Mr. HEPBURN. Yes.

Mr. TAWNEY. If the North Atlantic steamship companies demand it, as they did in this instance, then the London Dock Company is strong enough to compel any smaller line to agree to the concession demanded.

Mr. HEPBURN. What authority has the gentleman for saying that the London Dock Company compels the New Orleans steamship line and does not compel the North Atlantic steamship lines?

Mr. TAWNEY. To do what?

Mr. HEPBURN. To pay these charges; to insert this provision.

Mr. TAWNEY. The North Atlantic steamship companies inserted this provision originally for their own benefit and convenience, and the testimony of the president of the dock company, which I read a moment ago, explains that the benefit is the added profit they derive. How was it inserted? Up until 1888 the dock company unloaded the vessel. The dock company paid the expense incident thereto and collected it from the steamship companies. The charge of the dock company for this service was 10 pence per ton. From 1888 down to 1890, even after this London clause was adopted by the North Atlantic steamship companies, the dock company continued to unload the steamships of the North Atlantic steamship companies as theretofore, and continued to charge them this 10 pence per ton. What did the steamship companies during that time charge the cargo or the consignee under this clause? One shilling 2 pence, realizing, after paying the dock company for doing the work which the steamship companies are now doing, a net profit of 4 pence per ton. Speaking of this phase of the matter, our ambassador to England, Mr. Choate, in his report on it, says:

For a considerable period prior to the introduction into the bills of lading of the London clause, the steamship companies discharging cargo on the dock quays (including the North Atlantic lines) had been paying the dock companies for flour at the rate of 10 pence (20 cents) per ton, which they bore themselves, without any attempt, so far as I have been able to learn, to put the whole or any part of it upon the owners of the cargo.

Mr. WANGER. When you say—

Mr. TAWNEY. Just one minute. Now, let us see. The north Atlantic steamship companies have entered into a combination for the purpose of inserting in their bills of lading, and insisting upon its acceptance by the consignor, this "London landing clause." The dock company, of course, has more power in the matter of handling the docks than these steamship companies, because the former has complete control of the docks and the landing of vessels, but it is nevertheless true that to a very great extent the dock company is under the influence and can be controlled by these North Atlantic steamship lines. Hence, when the latter failed to induce the Cuban Line, carrying Minneapolis flour to the port of London, to incorporate their "London landing clause" in its bills of lading, they secured the interposition of the dock company by threatening to withdraw their business and erect wharves of their own. Why? Because they know that the dock company has complete control of the docks and wants their business and can seriously embarrass shipowners in the matter of landing and unloading their vessels, without denying their legal right of entry, without denying them the right of a berth for their vessel or any other legal right, thereby causing steamship companies like the Cuban Line serious delay and a great deal of extra expense; so that rather than submit to this embarrassment and loss, as I am informed, the Cuban Steamship Company finally agreed to a compromise with the dock company by paying one-half of the amount paid under this "London clause" by the consignees to the steamship companies sailing from North Atlantic ports. Therefore the millers of Minneapolis and the Southwest as well are obliged to pay this landing charge or not ship their flour to London as the result of this North Atlantic steamship combination.

Mr. WANGER. When you said the dock companies charged 10 pence per ton, you meant for goods removed within twenty-four hours?

Mr. TAWNEY. Yes; within twenty-four hours after they were unloaded, sorted, and piled.

Mr. WANGER. But if they were not removed within twenty-four hours, then the charge was very much higher, was it not?

Mr. TAWNEY. Yes.

Mr. WANGER. And the steamship companies got an extension of the twenty-four-hour period to seventy-two hours, did they not?

Mr. TAWNEY. Yes.

Mr. WANGER. In order that there might be an additional time for unloading?

Mr. TAWNEY. Yes; and the consignees at London say that that extension of time is of no advantage to them whatever, because under the law and prior custom of the port the consignee has twenty-four hours after the goods are landed on the quay, or docked, sorted, and piled, to come and get them, without any additional charge to him, while under the present arrangement the seventy-two hours commence to run when the steamer is reported at Gravesend. If the dock company makes any charge for the time that the goods remain after they are sorted and before the expiration of the twenty-four hours, the steamship companies, under the law of Great Britain, must pay whatever that charge is.

Again, it is claimed that these North Atlantic steamship companies have extended the time for the consignee to obtain his goods from twenty-four to seventy-two hours, but, as I have said before, this statement is misleading. The seventy-two hours' time commences to run when the steamer is reported—that is, when it is reported at Gravesend—and it is eight, twelve, and sometimes eighteen hours thereafter before the vessel reaches the dock. Here is practically one-fourth of your boasted seventy-two hours gone. Then, in addition to this, the wharves and docks are always crowded. A ship comes up and unloads on the quay. While unloading another is waiting, and before the consignee of the goods of the first ship has an opportunity to obtain his goods the other ship has dumped its cargo on top or in the way of the first one, so that it frequently happens that there is a delay of from one to three weeks—aye, more than a month—before the consignee is able to obtain all his goods. The seventy-two hours having elapsed, the dock charges attach and must be paid. It is for this reason that the consignees at London claim that this extension of time is of no practical benefit to them.

When I was interrupted a moment ago I was about to read from Mr. Choate's report, showing why the American exporter is absolutely within the arbitrary power of these steamship companies in the matter of increasing freight rates on American exports by increasing the landing charge provided for in the "London landing clause." Mr. Choate says:

The notice issued by the combined steamship companies on the 26th of November, 1900, by which, from the 1st of January, 1901, the rate of dock charges on flour was raised from 1s. 6d. to 1s. 9d., well illustrates the method of which the shippers and importers complain. The entire body of North Atlantic lines running to London, without consulting the shippers and consignees from whom the extra charge is exacted or giving them a chance to be heard, issue a joint notice raising the rates. This increase is unrestrained by any possibility of competition, and is imposed by the mere will of one of the parties to the contract, upon the plea that the increase only represents a portion of the extra outgoings, and will, they think, under the circumstances, be considered reasonable; but if unreasonable, the shippers and consignees have no means of resisting it.

From this we see that this landing charge covered by the "London clause" was arbitrarily increased from 1s. 6d. to 1s. 9d. per ton. Arbitrarily, without notice to the consignees or consignors, and without opportunity to be heard as to the reasonableness of the charge, the increase was effected by the combined action of these North Atlantic steamship companies. And we also observe from this statement of Mr. Choate, and from the practice of these steamship companies, that this and all other increases in this charge "is unrestrained by any possibility of competition and is imposed by the mere will of one of the parties to the contract."

This illustrates very forcibly the methods by which the freight rate upon American exports to the port of London can be increased and the opportunity which this "London clause" affords these steamship companies to thus arbitrarily increase to an unreasonable extent these rates, and the absolute helplessness of the American exporter to resist such arbitrary increase.

Again Mr. Choate says:

The owners of these great steamers found it cheaper to pay themselves the cost of the use of the quay and the labor thus done by the dock owners in the delivery of the cargo to barges than to incur the loss consequent upon long detention of their valuable steamers while discharging overseas. Of course there is a mutual convenience and advantage as between ship and cargo in the quick discharge of the latter; but it is claimed by the merchants that from causes over which they have no control, in the arrangements in the docks, there is no considerable benefit accruing to them in the way of quick delivery—that the goods come out of the ship fast enough, but do not reach their hands any earlier than they would if discharged overseas.

From this you will see, gentlemen, that it was merely for the convenience and benefit of the steamship companies, and not for the benefit of the consignor or consignee, that this method of discharging and collecting was adopted. Of course there is to a certain extent a mutual convenience and advantage as between a ship and cargo in having it quickly discharged, but it is claimed by the merchants and by those who control the docks that there

is no considerable benefit accruing to the consignee in the matter of quickening the delivery of the goods by having them discharged on the quay out of the ship or discharged overseas. If, for the convenience of a shipowner, they are discharged into lighters by way of the quay or dock, this, as Mr. Choate in another part of his report says, is merely using the quay or dock or extending the deck of the ship to the extent to which the quay or dock is employed for that purpose. In the event that the quay or dock is thus employed by the shipowner, the merchants' shipping act of Great Britain expressly provides that—

If any goods are, for the purpose or convenience in assorting the same, landed at the wharf where the ship is discharged, the same being ready to take, deliver, and carry them elsewhere, the goods shall be assorted at landing and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent on that landing and assortment shall be borne by the shipowner.

It is this charge which the bill under consideration provides shall not be included in the bill of lading for two reasons. First, because it is a part of the carrying charge and should be included in the freight and thus open to competition; and second, because by the law of Great Britain this charge is imposed upon the shipowner or the shipmaster.

Again Mr. Choate says:

We accordingly find that until the introduction of the London clause into the bills of lading of the North Atlantic lines running to London, in April, 1888, and since then in all other trade, all such expenses in that port have been paid by the shipowner. It comes out of the freight, as all expense of discharge and delivery has always done.

Mr. Speaker, if this bill passes and becomes a law, and these steamship companies are not allowed to embody this special clause in their contracts of shipment or bills of lading, thereby imposing upon the cargo the expense of unloading the vessel, what will happen? The steamship companies tell us they will simply add the amount of this charge to the freight, and what, they ask, is the difference? The cargo must pay it in the end. Our answer is, first, that there is where this charge belongs. It is made by the steamship companies now, in addition to the freight for the doing of that which the ocean carrier by his contract, in the absence of this clause, is bound to perform in consideration of the amount received for carrying the cargo, and by the statute of Great Britain they are bound to pay for. While it may be true that at certain periods when there is a large amount of freight to be carried, and consequently a large demand for vessel space, the freight could be so increased as to cover this landing charge, but when cargo is scarce and in demand, competition between the ocean carriers would absorb this landing charge, and the American exporter would then get the benefit for this part of the freight charge, being then in competition with ocean carriers, as well as the rest of the freight charge. On the other hand, if, when competition for freight was strong and these steamship companies added this landing charge, which on flour amounts to 42 cents a ton, or 3½ cents per barrel—more than the miller's profit—the steamship companies say themselves that it would make the published freight rates between New York and London appear so high as compared with the published rates between New York and Liverpool, a competing point, that competition would be invited, and that this competition would result in a material reduction of the published freight rates between New York and London.

That, Mr. Speaker, is the very reason why the steamship companies should be deprived of the opportunity of segregating a part of the freight rate, taking it out of competition and making it a fixed charge, and it is the reason, too, why the American exporter to the port of London is demanding the passage of this bill, for it will then be unlawful for these steamship companies to divide the expense of carrying cargoes to that port, leaving one part of it open to competition and making the other part a fixed charge.

Mr. Choate, in his report, well states the position of the American exporter and the London consignee when he says:

What the merchants claim is that the freight should pay the cost of discharge and delivery of the cargo, as it has done from time immemorial in the absence of special agreement; that if the freight is not sufficient to cover this, the freight should be enlarged instead of imposing an extra landing charge, so that when the mill owner in Minnesota or the consignee in England sells the flour at a price based upon cost, insurance, and freight, both parties may understand exactly what they are doing. Under the present method of charge this 1s. 9d. landing charge is not regarded as between buyers and sellers as part of the freight.

Another reason why the American exporter asks for the passage of this bill is the fact that this charge of 42 cents a ton on flour, for example, for the cost of handling it until actually delivered to the consignee's barge, when added to the freight for carrying the cargo, results in an exorbitant freight charge for the carrying and unloading of American merchandise at the port of London. This is shown by a comparative statement of the freight rates on flour from New York to London, Liverpool, and Glasgow during the year 1900, when ocean freights were abnormally high. A

statement of these rates, taken from page 134 of report of the New York Produce Exchange, 1901, I will publish as a part of my remarks.

*Comparative freight rates per ton on flour from New York to London, Liverpool, and Glasgow during 1900.*

[Taken from p. 134 of Report of New York Produce Exchange.]

Monthly average.	London.	Liverpool.	Glasgow.
	s. d.	s. d.	s. d.
January.....	14 4½	12 6	11 3
February.....	15 11½	15 0	14 4½
March.....	16 8½	14 9	14 0
April.....	16 6½	14 8½	13 9
May.....	17 2½	13 1½	12 9½
June.....	15 0	10 1	12 3
July.....	13 9	9 0	10 11½
August.....	16 10½	13 9½	14 4½
September.....	21 3	15 0	16 3
October.....	18 1½	14 0½	15 7½
November.....	17 6	10 7½	14 4½
December.....	17 0	9 1½	13 4½
Total.....	200 3	154 9½	163 4½
General average for year.....	16 8½	12 10½	13 7½
Or in American money.....	\$4.16½	\$3.21½	\$3.40

When analyzed in connection with the landing charge at the port of London, we see how the freight to London is increased.

Landing charge (flour).....	\$0.42
Total charge to London.....	4.58½
To Liverpool.....	3.21½

Excess.....	1.37
Total charge to London.....	4.58½
Total charge to Glasgow.....	3.40

In the case of a vessel of 14,000 tons this excess amounts to \$19,180 over Liverpool and \$16,500 over Glasgow.

New York to London.....	Miles. 3,740
New York to Liverpool.....	3,540
Difference.....	200
New York to London.....	3,740
New York to Glasgow.....	3,375
Difference.....	365

Therefore, in the case of a vessel of 14,000 tons, this London landing charge amounts to \$5,580, or that is the amount in addition to the freight which these steamship companies receive for landing the cargo either over side into lighters or on the quay or dock, at the rate of 1s. 9d.

It may be said that because this bill is general in its terms it will apply to every port in the world, and that inasmuch as we do not know the conditions governing the landing of cargo at any other port than the port of London that we might by the passage of this measure seriously jeopardize our commerce to these other foreign ports.

As I said in the outset, the bill is general in its terms, but it is specific in its application in that it provides that it shall be unlawful to incorporate in any bill of lading a clause imposing upon the consignee or consignees the payment of any port, harbor, dock, landing, elevating, weighing, or sorting charges "the payment of which is, by the laws, statutes, or customs of a foreign country or countries to which such merchandise or property shall be transported, imposed on such manager, agent, master, or owner or any persons or agencies other than the consignee or the consignees thereof." It was conceded before the Senate Committee on Commerce and before the House Committee on Interstate and Foreign Commerce that there is only one port in the world where it is known that the charges covered by the "London clause" are by the law of the port or the country in which the port is situated imposed upon the shipowner or the shipmaster. Therefore, while the bill is general in its terms, it would apply to no other port in the world except the port of London. The best evidence of this is the fact that in no bill of lading for the carrying of American goods to any other port in the world is there a clause covering these or like charges.

Mr. Speaker, there is another fact which I wish to call to the attention of the House. It is with respect to the discrimination against American exports at the port of London which the use of this "London clause" creates. The gentleman from Tennessee [Mr. GAINES] a few moments ago inquired if these landing charges included in the "London clause" were made against consignees receiving goods from other ports except North Atlantic ports. They are not. There is no steamship company in the world carrying exports from any country to the port of London that adds by clauses in its bill of lading a specific charge for the landing and delivering of the cargo to the consignees at the port of London except the steamship companies sailing between North Atlantic ports and that port. In the other cases the expenses inci-

dent to the unloading or landing of the cargo are paid by the steamship owner out of the freight which he receives for the carrying of the cargo.

Here is a clear discrimination against American products at this port and in favor of like products from other countries, and this discrimination operates as a restriction upon American commerce destined for the port of London, because it favors the exporter of like products from other countries to the extent that the charges included in this "London clause" are absorbed in the competition between carriers from all other ports to the port of London, while on merchandise coming from North Atlantic ports to that port these landing charges are fixed and arbitrary and are always made in addition to the freight paid for the transportation of the goods.

On this point Mr. Choate, in his report, says:

As to discrimination, whatever discrimination there is, arising from the system of charge complained of, is not against the United States alone, but against the United States and Canada, the Canadian steamship lines having adopted the "London clause."

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted.

Mr. Speaker, I maintain that, independent of every question, independent of every other fact in favor of the passage of this bill, the fact that the use of this London clause operates as a discrimination against American products at the port of London is sufficient to justify the enactment of this bill into law by an American Congress.

Mr. BELLAMY. Is there any demand for the insertion of this clause in the bills of lading by the exporters of grain or the producers of grain?

Mr. TAWNEY. I do not know that there is. Grain is unloaded overside entirely. It does not go on the quay or on the dock. Now, the charge being in addition to the freight, and it being for a service the carrier is bound to perform under his contract to carry and reimburse himself for the expense out of the freight, we are not asking anything unreasonable when we say the charge should be put where it belongs—in the freight. If they can segregate this item of freight from the published freight rate, thus showing a lower rate than the rate actually is, they can segregate some other item and put that in a special clause, and thus practically prevent competition in carrying between New York and London, if they can, as they have in respect to this London clause, form a combination for that purpose.

Now, the two competing points in England are Liverpool and London. If to the published ocean freight rates—rates which are always published—from the various North Atlantic ports you add 42 cents a ton on flour, you will see exactly what the effect would be.

From the statement of the average freight rates to which I referred a few moments ago, it appears that the average rate between New York and London in 1900 was \$4.16½ without the London clause; to Liverpool, \$3.21½; to Glasgow, \$3.40 a ton. Now add 42 cents a ton to the London rate and you have \$4.58½ a ton, or \$1.37 a ton more freight on flour to London than to Liverpool.

Mr. MANN. What is the gentleman reading from?

Mr. TAWNEY. A statement taken from the comparative freight rates on flour from New York to London, Liverpool, and Glasgow for 1900, from page 134 of the report of the New York Produce Exchange.

Mr. MANN. Does the gentleman know what the rate is now?

Mr. TAWNEY. It is very much less now.

Mr. MANN. Less than one-half?

Mr. TAWNEY. Yes; but that does not change the principle.

Mr. MANN. It changes the facts.

Mr. TAWNEY. Yes, it is a fact; but it does not change the principle.

Mr. MANN. It changes the whole application of the principle.

Mr. TAWNEY. Oh, no; if the gentleman will pardon me, there is no reduction in the London landing charge, is there, except to increase it?

Mr. MANN. No; there is no change in that.

Mr. TAWNEY. Has the gentleman ever known any change except to increase it since it was adopted?

Mr. BINGHAM. But the freight has been reduced.

Mr. TAWNEY. Yes; but the London dock charge has never been reduced.

Mr. MANN. The gentleman from Minnesota knows that the freight to London with the London dock charge is less than the rate to Liverpool.

Mr. TAWNEY. It is not. The same relative proportion between the rates to Liverpool and London exists to-day that existed in 1900.

Mr. MANN. Not at all.

Mr. TAWNEY. I say the same relative proportion. Now, you add 42 cents a ton to the published freight rates from New York to London and this freight rate will seem so high as to invite competition. That is why they do not want to put the London landing charge into the freight, because it would invite competition in the carrying of freight between New York and London.

Mr. MANN. I suppose the gentleman himself believes that, or he would not state it.

Mr. TAWNEY. If this charge is incorporated as a part of the freight it becomes as much a matter of competition between the carriers as the carrying charge is, and the gentleman will admit that our salvation as exporters depends upon our ability to keep freight charges in competition with carrying companies, does he not?

Mr. MANN. It depends on our ability to get cheap rates.

Mr. TAWNEY. How can you do that without competition?

Mr. MANN. We have now the cheapest freight rates in the world.

Mr. TAWNEY. How are you going to maintain them without competition? The great English vessels that in 1900 were engaged in carrying traffic from Europe to South Africa since the close of Boer war are again engaged in the carrying trade between the North Atlantic ports, and to a very large extent that has lowered ocean freights. Are we not entitled to have all the charge for carrying our goods put into competition in order that we may get as low rates as possible?

Mr. MANN. If the gentleman wants me to answer, I say that it is our duty to get the cheapest possible rates—

Mr. TAWNEY. Yes; and here is a restriction upon our opportunity to do that. As Mr. Choate says, there is absolutely no competition in the matter of this landing charge at the port of London.

Mr. CANNON. May I ask a question purely for information? I do not claim to understand this question fully, though I have been listening as carefully as I could. As I understand, this special provision in the charter party to London does not apply to Glasgow or Liverpool?

Mr. TAWNEY. No, sir.

Mr. CANNON. It applies to the landing at London. Now let me see whether I understand the matter. If a charter party were made for transportation of goods from the United States to London, and if it stopped there, these charges, the dock charges the gentleman speaks of—

Mr. TAWNEY. They are not dock charges; they are landing charges.

Mr. CANNON. Well, these landing charges would have to be paid by the steamship company?

Mr. TAWNEY. Yes, sir; in the absence of this special agreement.

Mr. CANNON. I mean that if the charter party were simply from New York or Chicago to London and stopped there, these charges that the gentleman objects to would have to be paid by the steamship company. Therefore the steamship company, by a special stipulation, relieves itself from that which it would be obliged to pay; and the object of this bill is to prevent the steamship company from so relieving itself.

Mr. TAWNEY. Exactly; the object is also to compel them to obey the laws of the country under which they are incorporated.

Mr. MANN. That is their duty, I suppose.

Mr. HULL. I have been trying to get some information on this subject. It was asked a few moments ago why these charges were not included in the freight charges, and the gentleman answered because it would invite competition. Now, I suggest to him that these peculiar charges are known by all the transportation lines; and why are not the companies now just as much liable to competition when the charge is imposed in this way as if it were added to the freight? There is no secret about these charges; they are well known. I understood the gentleman to say that if these charges were included in the freight, the freight would appear unduly high.

Mr. TAWNEY. The freight from New York to London as compared with the freight to Liverpool would appear so high as to invite competition.

Mr. HULL. But every shipper practically knows that these dock charges are imposed in the bill of lading as an additional charge. Now, I can not see the difference, so far as competition is concerned, between putting them in in this way and putting them directly into the freight. I would like to have this matter explained.

Mr. TAWNEY. The steamship companies that use this clause run between North Atlantic ports and the port of London, and by a combination between them have all agreed to this London clause, a means of compelling the cargo or consignee to pay these charges in addition to the freight, so that the amount of the freight charge covered by this clause is not in competition be-

tween them. The clause is not employed by any steamship company in the world except these North Atlantic lines. This charge is not even imposed when goods are shipped from the Pacific coast. Goods going from San Francisco to London do not pay this charge.

Mr. HULL. But it is put in the freight.

Mr. TAWNEY. It is put in the freight, or the expense of doing the work is paid out of the freight. But flour, for example, coming from Australia goes into the port of London without the payment of these charges.

Mr. HULL. In other words, they are put in the freight.

Mr. TAWNEY. Whatever expense there is incident to the unloading of the vessel is paid out of the freight by the shipowner. So it is in every port in the world.

Now, the London landing clause is put in the bills of lading from the North Atlantic ports, as I have said, by a combination or agreement between the shipowners. If an independent steamship line were organized that did not add the expense of landing the cargo to the freight and collect the same by a special clause, as the North Atlantic steamship lines do, the latter would immediately attempt and, as they have in the past, would succeed in forcing such independent lines into their combination for the imposition of these landing charges in addition to the freight and the collection thereof by the "London landing clause" incorporated in their bill of lading or force them out of business entirely.

Hence there is no opportunity for the American exporter to be relieved from this additional burden on his exports to the port of London than by Congress making it unlawful for any steamship company to incorporate in its bill of lading a clause for the payment of that which by the law of the country to which the goods are shipped is imposed upon the shipowner or the shipmaster, and which at common law the shipper is entitled to have paid out of the freight he pays for the transportation and delivery of his goods at the port of destination.

Mr. SHERMAN. If the gentleman prefers to proceed further now, I have no objection.

Mr. TAWNEY. I do not care to proceed further at this time, although I have been interrupted so frequently that I have had no opportunity to follow the line of remark that I had intended.

Mr. SHERMAN. I desire, then, to yield to the gentleman from Georgia [Mr. ADAMSON], my colleague on the committee.

Mr. RICHARDSON of Alabama. One moment, if the gentleman pleases. I should like to know how much time the affirmative side has left, as there are two or three members of the committee who favor this bill and would like to be heard.

The SPEAKER. That side has one hour and five minutes remaining. The gentleman from New York [Mr. SHERMAN] yields how much time to the gentleman from Georgia?

Mr. SHERMAN. As much time as he desires.

Mr. ADAMSON. Mr. Speaker, as the time is limited, I wish, for the accommodation of others, to yield back as much time as possible, and to consume as little as possible myself. Therefore I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and leave is granted.

Mr. ADAMSON. Mr. Speaker, I have no disposition to appear as the champion of either side in this controversy. I have very little pride of individual opinion about this question. I do not know anything about the charges and countercharges which have been made in regard to the two trusts that are represented as engaged in this titanic struggle. If there be a flour trust or a shipping trust, or any other number of trusts, neither I nor the school of politics to which I belong in this country are responsible for them.

I would be willing to stamp out both or all and allow commerce to be free and untrammelled by any conditions, beginning at our own ports, rather than commence tinkering with small matters at foreign ports. I concurred in the minority report and failed to vote with the majority on the committee, because those advocating the bill failed to convince my mind that there was either necessity or reason for its enactment.

I understood at first that some lumbermen were clamoring before our committee for the passage of the bill, but upon examination it appeared that the proponents of the bill were composed exclusively of flour men. The distinguished gentleman from Minnesota [Mr. TAWNEY] concedes that the lumbermen are either out or in—he does not exactly know which—and whether they say they are out or say they are in, he seems to have satisfied himself that he has successfully impeached them, and if he can manage to do the same for the flour interests we will be rid of both, and there will be no demand for this measure.

Now, Mr. Speaker, my first objection to the bill is that it seeks to curtail the liberty of contract and say that an American citizen, at the demand of one interest in our great and magnificent commerce, shall be prohibited, under pains and penalties, from making any contract, not only as to domestic affairs—which

would be odious enough—but as to foreign transactions, which would affect our vast commercial relations and interests—interests so great and grand that they should ramify every ocean and bring back boundless profits from every port of the earth to our people. In the second place, I oppose the bill for the reason referred to—that it is supported by one interest alone.

Mr. SHACKLEFORD. Mr. Speaker, before the gentleman passes from the first proposition, I desire to ask him a question. I desire to know if his position is that great corporations, like carrying companies, ought not to be limited in their power to make contracts with shippers to the damage of the shippers.

Mr. ADAMSON. Unfortunately, Mr. Speaker, it has not been my good fortune since I have been in politics to be permitted to say effectively what I think ought to be done as to great corporations. I was coming to the phase of the case to which the gentleman's question relates, on the question of competition—

Mr. SHACKLEFORD. Pursuing the question further, if that does not meet the gentleman's approval, I desire to know whether he is opposed to legal regulations limiting contracts which a carrier of freight or passengers may exact from the shippers.

Mr. ADAMSON. Mr. Speaker, I will be in favor of taking off all shackles from commerce, beginning at home, and encourage competition in this as in all other lines; and I declare here and now that if the trouble at the port of London were all that interfered with the wealth and prosperity of our commerce it would flourish in every sea and prosper like a trust. Let us begin at home with regulating great corporations and destroy the conditions which we have produced to support trusts, shackle commerce, and rob our people.

Mr. SHACKLEFORD. Does not the gentleman know that all the ships coming from these North Atlantic ports have entered into a combination by which they have agreed that they will not ship this freight unless this condition is contained in this bill of lading, and that the shipper is powerless to ship except by those ships, and he must sign whatever contract is presented?

Mr. ADAMSON. It was not only matter of general information, but was elicited by a question of my own on the hearings, that people who are willing to go into business can compete with these ships. The flour men are not paupers; they are able to go out and build, buy, or charter ships, and the testimony was that the effort had been made to operate outside the provisions of this clause which is sought to be set aside, that independent ships were used without the objectionable clause, that the results were not satisfactory, and all who had attempted it subsequently acquiesced in this arrangement.

Mr. LAWRENCE. Mr. Speaker, will the gentleman yield to a question?

Mr. ADAMSON. Certainly.

Mr. LAWRENCE. The statement has been made that this provision is a discrimination against American consignors alone?

Mr. SHACKLEFORD. North American.

Mr. LAWRENCE. I want to ask if any reasons were given for that discrimination against American consignors; whether we get any special benefits or privileges by reason of this clause which is inserted in the contract?

Mr. ADAMSON. The matter was thoroughly explained in the hearings—that if there are provisions in the bills of lading from North Atlantic ports different from provisions in bills of lading from other ports, they are to be accounted for in various ways.

There are different conditions; there are different sized ships; the character of the freight carried is largely different; freight charges are higher than from our ports; the volume of business is largely different, and in addition to that the question raised by another gentleman about its not prevailing at other ports of Europe was accounted for in this way: That at all the other ports inquired of where ships were arriving there were other charges and conditions tantamount in the general average to these charges and conditions; and as the gentlemen have asked those questions, I will say just now that if we were to believe half of the terrible things said by the proponents of this bill about the conditions at London, or believed half their prophecies about what they imagine their profits would be if this bill were passed, the trade of that metropolis would perish. There would not be half a dozen ships unloading there in a year.

They would go to the other ports, if such great advantage existed in favor of those other ports. But the instance cited by the gentleman from Minnesota [Mr. TAWNEY] about New Orleans and Cuba demonstrates that all these commercial interests are alert, looking out for the slightest difference in cost or advantage at different ports and by different lines. These things are not done in a corner. They would be discovered, and to my mind this constitutes an unanswerable argument against the overweening demands and supposed reasons given for the passage of this bill.

Mr. GAINES of Tennessee. I should like to ask the gentleman a question. I understood my friend to say just now that the flour men are the only men interested in this bill.

Mr. ADAMSON. Yes.

Mr. GAINES of Tennessee. Now, I will ask the gentleman to turn to page 4 of the minority report and he will see this language:

The agents and attorneys for the millers and lumbermen, who alone advocated this bill before the committee, stated several times.

And so forth. This report is signed by the gentleman from Georgia. I will ask him to explain now how it is that he says that the wheat men or flour men are the only advocates of this bill if his other statement be true.

Mr. ADAMSON. The wheat men are not advocating it.

Mr. GAINES of Tennessee. The flour men, then?

Mr. ADAMSON. My understanding is that the flour industry, imagining, from the shape in which their goods are prepared for shipment and the way they are handled, that they can not, perhaps, have as much advantage from existing shipping arrangements as all the other interests in our vast commerce that are acquiescing in it, imagining that it is cheaper for them to come to Congress to pass a bill to feed and clothe them and trim their corns and cut their toe nails than it is to come out honestly and get some ships and go into the business on a better basis, are advocating the passage of this bill.

Mr. GAINES of Tennessee. My friend signed a minority report in which he states that the lumbermen are also interested in it.

Mr. ADAMSON. The gentleman certainly did not hear my remarks. I began by saying that the lumbermen originally appeared before the committee.

Mr. Speaker, as I have said this much I will say further that as I understand the difference between existing conditions and proposed conditions at London, it is tantamount to the celebrated difference between "tweedle dee and tweedle dum."

In the years ago, when limited commerce sent small ships and very few of them to the London docks, which under certain immemorial customs, usages, and statutes were unloaded through small craft and antiquated methods, local tribute was levied and collected on all incoming cargoes, which, when delivered over the ship's rail, relieved the carriers of responsibility.

Those conditions would still prevail but for the fact that larger commerce and larger vessels, making time more valuable, have justified the carrying trade in compounding with local authorities and interests on such terms as enable them to contract with our exporters, not only for the freight, but for the unloading, assorting, safe-keeping, and delivery in drays, vans, boats, or cars within a much longer time and at a much smaller cost than ever prevailed before or could prevail now outside the provisions of the contract sought to be prohibited by this bill.

If the contract of lading be not made, consignees may receive their goods free of terminal charges, if ready to receive them, along ship side in twenty-four hours after the arrival of the ship. If after twenty-four hours, which is usual, they pay 4s. per ton. The contract avoids the 4s. and collects 1s. 9d., extends the time, and preserves, assort, and delivers the goods. It is conceded that if contract be prohibited carriers can add either the 1s. 9d. or the 4s., or both, or any other sum, to the freight rate. It is immaterial and hacknied to inquire who pays any tax on commerce. It is easily shifted.

The investigations of Ambassador Choate and the report of the royal commission are conclusive to my mind.

If all the people with all the capital engaged in our magnificent foreign commerce, except the millers, are satisfied with existing conditions, I think the miller ought to be content without seeking to jeopardize all other interests in their transactions around the world.

The earth is large and round, the ocean wide and open, ship-builders, shipowners, and ship operators are alert and anxious for work; the mill owners could manage to build, buy, or charter ships and demonstrate the facility with which they could enter the port of London and distribute therefrom to the discomfiture, if not the annihilation, of the present carrying sharks and trusts, instead of abusing the powers of Congress to discourage resort to honest competition.

Not only an enthusiastic admirer of our commerce, great even as now handicapped, but also languishing for lost opportunities and grieving in contemplation of our incomparable greatness, wealth, and glory, cut off by the emasculation deliberately, wickedly, and sordidly inflicted by the policies inaugurated and persistently continued by the Republican party, I oppose this bill because the obstacles to our prosperous commerce do not exist in the port of London nor any other foreign port, but are found armed, insuperable, and suicidally self-imposed at every port of our own country and on every inch of our border. Among all our people supporting this condition, whether from avarice or ignorance, none can be found more stolid and persistent nor more indifferent to the interest of their fellowman than the promoters of this foolish measure.

If men who pretend to statesmanship and profess patriotism would cease to stick in the bark when the heart of the tree is

involved I would invite them to go with me to London with a cargo of flour, on a voyage fraught with more promise to their constituents than ever signalized any of the seafaring ventures of old, when fabulous fortunes rewarded the accidental investments of obscure persons. We would carry a shipload of flour on one of the modern ships of mammoth capacity, carrying more flour than a century ago could cross the ocean in a year in all ships.

If our friends were dubious about signing a contract, I would consent that we charter a ship or build or buy one. When we entered the Thames and came as near London as the mighty ship could approach, we would yet be many miles from the ports and harbors governed in antiquity by the ancient customs, statutes, and craft, contended for here. We would not step, however, to strain at gnats while we were swallowing whole troupes of camels without any trouble.

We could afford to pay anything that anybody charged from mid ocean to the warehouses in London, and if we had sense and honesty enough to recognize the old adage that "fair exchange is no robbery," we could demonstrate to our people, some of whom have been long deluded, that if we buy from other people at a fair price we could sell our flour much more rapidly and at a much better price.

In a short time, having loaded our ship from the proceeds of our flour with goods of every kind valuable to our people and calculated to make profitable returns for the venture and insuring wealth and independence to those engaged in the enterprise, we would set sail on the return voyage. Until we sought to enter a port of our native land, "The land of the free and the home of the brave," so called, the land where great States and Territories present the most perfect example and unanswerable argument for free trade the world ever saw—a land whose administration professes more honesty and practices more hypocrisy than any the world ever saw, which offers less encouragement and demands more concessions from others than any the world ever saw, all of us flour men, reveling in the wealth afforded by that cargo rare and novel in our waters, would be richer than Croesus; but, alas, when we seek to domesticate our wealth we are barred from home and can only communicate our riches to our native land by parting with from 50 to 75 per cent thereof.

When in our chagrin we look around for somebody to reproach we find that all the fellows who are cutting up about the condition have persistently and insistently, and either maliciously or stupidly, contributed to bring it about. If they could rid their minds and hearts of the cupidity or stolidity, whichever it be, which blunts their sentimentality I would remind them that the stricken eagle stretched on the plain finds that—

Keen were his pangs, but keener far to feel  
He nursed the pinion that impelled the steel.

If that proud bird, pierced by the shaft of death, had been endowed with a human soul, claiming kinship with the skies, neither his own death nor his conscious responsibility therefor could have produced half the poignant remorse that would have come to him if he had realized that either his wickedness or folly had involved in his own destruction the ruin of his fellow-creatures. He who tinkers and temporizes with small and doubtful difficulties at the port of London, while favoring at our own ports barriers between our trade and the commerce of the world, whether wickedly or stupidly, robs his fellow-men and robs himself also, unless he be one of the favored beneficiaries in whose behalf the functions of government are prostituted to the robbery of others. While others may vote as they will, unless additional light illumines my mind, my vote shall emphasize the theory that when Congress undertakes to change port conditions for the benefit of commerce, it should begin not at London, but at home. Verily, if our people would sell to others, we must also buy something. "The liberal soul shall be made fat."

Mr. SHERMAN. Mr. Speaker, how much time did the gentleman consume?

The SPEAKER. Fifteen minutes.

Mr. SHERMAN. I yield ten minutes to the gentleman from Pennsylvania [Mr. WANGER], a member of the committee.

Mr. WANGER. Mr. Speaker, I should be most happy if I could contribute substantially to the information of the House respecting this question. I confess with considerable humility that I fail to comprehend this question thoroughly in all its details, nor do I understand why there is such vigorous insistence upon improved conditions for American producers if this measure passes. So far as I have been able to comprehend the question, it seems to me that the logic of facts is strictly against this measure; that the interests of American farmers and millers and all other American exporters have been most substantially served by the adoption of the so-called London clause in bills of lading, and that we are taking a leap in the dark, the effect of which no man can foresee, if we legislate to prohibit the freedom of contracting as is provided in the measure.

Now, let us consider what led to the adoption of this clause.

There are but few dock companies in London. They have monopolistic privileges conferred by acts of Parliament, the terms of which are uncertain and are variable except that they are extreme, largely by reason of the endeavor of Parliament to encourage and reward the construction of the great docks and to confer still higher privileges upon the barge men in maintaining the time-honored preference which was accorded to these people. The result was that the shipping conditions of the port of London were so uncertain as to the charges which might be imposed upon steamers, that it was an undesirable port for shipowners, and as a result the American exporter was not offered the same shipping opportunities and favors to London as he was in other ports. The ship companies of this country believing that it was a desirable port of entry, sought to overcome the difficulty and to remove the uncertainty, and therefore formed a combination, as has been suggested, and came to an agreement with the dock companies whereby a great reduction of dock charges was secured.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. WANGER. Certainly.

Mr. TAWNEY. What proportion of the number of ships entering the port of London come from the United States as against the rest of the world?

Mr. WANGER. Well, not nearly as large a proportion of ships as there is proportion of tonnage, because the ships which go from the United States have grown to be the great monsters among the carrying ships, whereas the numbers which come from other countries are largely small craft and tramp steamers.

Mr. TAWNEY. What proportion of the cargoes?

Mr. WANGER. Why, in the item of flour in the year 1900 1,170,000 hundredweight was carried there from North American ports under these conditions, and only 178,000 hundredweight was brought from all the other quarters of the world, Australia included.

Mr. TAWNEY. Will the gentleman pardon an interruption? Last year our exports of flour to the port of London fell off 1,800,000 barrels, while there was imported from Australia 1,100,000 hundredweight.

Mr. WANGER. One million barrels of American flour is a mere figment in the large volume of American shipments to the port of London, and at the time to which the gentleman refers—and if his statement amounts to anything it means that our trade with London has declined—which is disproven by the fact that during that year the Atlantic Transport Company contracted for the construction in this country of two of the mightiest of freight ships to engage in the world's commerce, and these ships are now on the stocks building.

Mr. TAWNEY. For what companies?

Mr. WANGER. For the Atlantic Transport Line. Now, let me resume where I was when interrupted. In order to make shipping to London desirable, the North American steamship companies got special rates from the dock companies, so that there might not be this freedom from charge on the one hand and exorbitant charges if the goods did not happen to be delivered within twenty-four hours. That there might be an intermediate reasonable charge, and the American ship companies, or, more accurately speaking, the companies engaged in shipping from North American ports, contracted with the dock companies that they would enlarge the capacity of their steamers and multiply their numbers if these concessions were conferred by the dock companies; and it was on account of that very London clause that shipping to London became popular, that shipowners were willing to undertake to carry cargoes there, and that American flour manufacturers and other exporters got more favorable conditions than they had enjoyed theretofore, and that London became a favorite instead of an undesirable port of destination.

Mr. TAWNEY. Will the gentleman answer a question?

Mr. WANGER. Why, certainly, if I have time.

Mr. TAWNEY. What concession has the London Dock Company made to the steamship companies by or under the London landing clause?

Mr. WANGER. They have agreed to a uniformity of expense under seventy-two hours and to certain other conditions which affect ordinary ships.

Mr. TAWNEY. How does that condition, then, affect the freight under the London landing clause? Was the shipper charged for what the steamship companies prior to it were paid 10 pence to do and now they are paid 1 shilling and 9 pence to do it? How does that help the American shipper?

Mr. WANGER. When the dock companies only charged 10 pence per ton it was for goods taken away within twenty-four hours, and when those goods were not removed within twenty-four hours the charge was quadrupled or quintupled.

Mr. WILLIAMS of Mississippi. Four shillings per ton.

Mr. WANGER. Yes; 4 shillings per ton. The gentleman is right. In other words, the shipping people under the conditions prevailing in the port of London were in a position of not knowing

whether the charges would be nominal or whether they would be confiscatory, and naturally charged the exporters a rate of freight to guarantee them against loss under the most adverse conditions, whereas at this time exporters and shipowners know that only a reasonable charge will be made. I say reasonable, because no testimony has been offered to show that it is unreasonable, and the entire opposition has been based upon the insidious argument that the London clause is exceptional, without the candid acknowledgment that the conditions which led to its adoption were exceptional, and that it secured freedom and was in liberation instead of being in oppression of American trade with the port of London.

[Here the hammer fell.]

Mr. SHERMAN. Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. ADAMS] for ten minutes.

Mr. ADAMS. Mr. Speaker, I ask the attention of my colleagues while I submit a few reasons why this legislation should not prevail. It is a sound doctrine of legislation that existing statutes should neither be repealed nor amended unless they are working badly and in response to some large demand on the part of the people who are interested in the operation of the law.

Let us look and see if any such reason exists under the present circumstances. The gentleman from Minnesota [Mr. TAWNEY] in his opening remarks says that this was a conflict between the shippers and the common carriers at sea, in which their respective interests are at stake. I do not think that statement will bear investigation. In fact, inside of two minutes after the statement was made it was contradicted by the pertinent question by members on the floor of the House, in which it was shown that some of the interests whom he quoted—the packers at Chicago and the exporters of lumber—were not interested in this legislation.

Mr. TAWNEY. It shows that they changed their minds.

Mr. ADAMS. I have but ten minutes, Mr. Speaker, and I ask not to be interrupted. There is no demand from all the exporters in the United States for the amendment which is proposed by this bill. When we come down to the hard facts, there is no interest asking that this amendment be made except by the exporters of flour in a certain locality of our country.

In support of this statement it is significant that after all the publicity given to the proposed legislation no shipper of any other class than that of the exporters of flour appeared personally or by representative before the committee to which the bill was referred. Some petitions were filed from commercial bodies in several American cities and from boards of trade interested especially in the shipment of flour. The methods by which such petitions from such bodies to Congress are prepared are too well understood to require comment. In a broad business question of this sort it seems to me that the statements of those who represent every species of export are the ones to carry most weight.

In this connection I will quote the resolutions of the Philadelphia Maritime Exchange, which is composed of all the leading shippers and exporters from the city which I have the honor in part to represent, and which certainly should have great weight, representing their views, with the members of this House:

THE PHILADELPHIA MARITIME EXCHANGE.

To the honorable the Senate and the House of Representatives of the United States in Congress assembled:

At a stated meeting of the board of directors of the Philadelphia Maritime Exchange, held the 27th day of January, 1902, the following preamble and resolution were unanimously adopted:

Whereas the attention of the Philadelphia Maritime Exchange has been directed to Senate bills 1791 and 1792 and to corresponding bills in the House of Representatives, 4424 and 9059, having for their object the amendment of the act of February 13, 1893, commonly known as the Harter Act; and

Whereas the Philadelphia Maritime Exchange is of the opinion that the legislation sought by the bills is unnecessary, and the terms of the measure are so drastic as to be of questionable policy, and, furthermore, in the opinion of this exchange, it would be of doubtful expediency for Congress to intervene in a question of this kind, which appears to be one particularly connected with usages at different ports not within the jurisdiction of this country: Therefore, be it

Resolved, That it is the sense of the Philadelphia Maritime Exchange that the passage of bills S. 1791 and 1792 and corresponding bills H. R. 4424 and 9059 now before Congress would not be in the best interests of the commerce of this country, and the defeat of these measures is therefore earnestly recommended.

Attest:

[SEAL.]

PHILADELPHIA, January 27, 1902.

GEO. E. EARNSHAW, President.

E. R. SHARWOOD, Secretary.

Now, Mr. Speaker, the Harter Act was passed with the consent of both the common carriers and the shippers in 1893. It has worked successfully without complaint and has been satisfactory to all parties. We should hesitate a long time before we upset conditions so favorable, and which have prevailed for ten long years in our export trade.

There is another reason, and that is that this bill is practically to regulate the port charges in the city of London. There are other ports in England where there is no complaint made. It is proposed that the Congress of the United States shall enact an

amendment to our statutes as they exist to-day to regulate the local port charges of the city of London. I doubt myself the propriety of the Congress of the United States legislating for English port charges. Have we any protest here from English consignees? None whatever. The millers are their own consignees in London, and so are the lumbermen.

So you have your own people simply coming to the American Congress to upset the regulations of trade. These charges in London are not imposed for the benefit of the steamship companies; they have grown out of the peculiar conditions that exist in the Thames. Owing to the smallness of that river and to its want of depth, the great steamships which have come into competition in the transportation of goods can not unload with barges in the Thames. For that reason these docks have been built, and they can only enter at high tide, and they must wait until the recurrence of high tide before they can go out. While they are in these docks the old method of delivering freight in conformity with the rule that when the cargoes went over the ships' side the responsibility of the carrier ceased became impossible. With the enlargement of the ocean-going steamers goods must be put in the hold as soon as received, and when taken out and placed on the dock they must be sorted, and it is for this extra work that this compensation has been made by the party.

Owing to the changed conditions in commerce this work on the dock has increased. Years ago, when steamers were much smaller in size, the cargo was limited in the variety of its consignments and therefore more easily delivered to the consignees. With the increased tonnage of ships, one shipper of to-day on the modern steamer will have in one lot a greater shipment than could be put aboard a small ship of the past. It frequently happens now that a steamer will have a cargo from as many as eight hundred or a thousand shippers and intended for a thousand or more consignees. These have to be assorted in order that they may more quickly be distributed to their respective destinations. The dock charges cover all this at a much lower rate than the individual consignees could perform the similar work at their individual cost, and the practical result is that the dock charges are less to-day than they formerly were. To take away the individual right of contract from the shipper and common carrier, to exclude these dock charges, in the minds of many would be unconstitutional and utterly unwarranted.

To refer to some of the legal aspects of this case, the millers claim that under the Harter Act the vessel can not contract against her duty to make proper delivery; and that as proper delivery implies separating the various consignments, the vessel owner can not contract against his obligation to perform that duty. But it must be remembered that the Harter Act considers only loss or damage arising from improper delivery. If the goods are specifically injured through an improper delivery, the vessel is bound to pay for the damage; but there is nothing in the act to prevent the parties from making any contract they please as to the payment of the expense of making a proper delivery; the act is concerned simply with losses caused by negligence.

They say that the law of England requires that all cargo shall be delivered free of charge. This is not so. The act of Parliament provided that the waters in artificial docks should at all times be as free to barges and lighters as were the waters of the river Thames, and that the goods discharged into the lighters and barges should be exempt from any payment. The court of Queen's bench division in the case of *Borrowman, Phillips & Co. v. Wilson* held that the London clause, which puts the charge complained of on the consignees, was enforceable because the parties had agreed to it in the bill of lading, and that they could contract themselves out of the custom of London or out of the statutory right if they wished to do so.

The court did not put it on the ground which the shippers mention, viz, that the contract having been made in America the courts of England were bound to enforce it at London, although against the laws of England. Neither the courts of England nor of any other country would do such a thing. The law which governs a contract as to performance, certainly so far as public policy is concerned, is the law of the place of performance, and the courts of that place would not enforce provisions against the public policy of that place because they were not prohibited in the place where the contract was made. Our Federal courts habitually refuse to enforce in this country the most express stipulations made in foreign countries where they are perfectly valid that the carrier shall not be responsible for the negligence of his servants.

In the particular case referred to Mr. Justice Day went much further, and declared that the provisions of the London clause were very reasonable, and that it would be ridiculous to apply to modern steamers old customs which might have been very proper for small vessels and small cargoes.

The shippers of flour further claim that the London dock charges are discrimination against American shippers. As a matter of

fact this does not exist in the case under consideration, because all North American exports are treated alike whether they go by American or Canadian lines. In further evidence, despite all statements to the contrary, the Peninsular and Oriental Steam Navigation Company, one of the largest steam navigation companies plying to the Orient, the Continent, and England, have a similar clause to the "London landing clause" on their bills of lading. A bill of lading of that company of as recent date as February 1, 1902, issued at Marseille, contains the following clause: "The expense of discharging from the steamer and manipulating to be borne by the goods at the rate of three-sixths per 1,000 kilos (the equivalent of a ton)." It will be noted that this is a greater charge than the London landing clause. The term "manipulating" covers the work equivalent to that done under the London clause.

But there is a stronger reason than all this. It is proposed to compel the common carriers to put the charge on the cargo and make it a part of it. If you did this, you would put it in the power of any unfriendly nation wishing to enhance the interests of its steamship companies, by putting on local port charges, to compel our people, should they be forbidden to exempt that by a contract or bill of lading, to make a discrimination against the American exportation and against the American steamship companies that would ruin us in competing with vessels flying a foreign flag. This, to my mind, is one of the most serious questions involved in this amendment.

Why, sir, taking into consideration the one interest that has complained, where can be the great hardship in the exportation of flour when from 1890 up to 1900 the exportation of flour to the port of London has increased 70 per cent? There is not a man within the sound of my voice who does not know that under such conditions as the gentleman from Minnesota would have us believe exist no such increase could take place at the port of London; for if such conditions existed, the importation would be driven to other ports of Great Britain.

It is a self-evident proposition that where conditions are onerous prosperity can not exist. But they are not onerous. They are for the advantage of the shippers, who are deriving advantages from the London dock charge, from warehousing, and from the assortment of the freight, whereby the cost of assorting freight is reduced to what it was under former conditions. In the old days each consignee had to send his stevedores to the dock and receive the freight by lighters and take it away. Under present conditions it is allowed to remain seventy-two hours, and when it comes to taking it away, either by rail or by barge—

Mr. TAWNEY. Will the gentleman permit a correction right there? The consignee is not allowed seventy-two hours after the goods are assorted, but seventy-two hours from the time the ship is reported.

Mr. ADAMS. How long does it take the ship to come up?

Mr. TAWNEY. From eight to eighteen hours.

Mr. ADAMS. Then I take eight from seventy-two and it leaves sixty-four hours. The gentleman will have to advance some stronger reason for overturning the existing rules of transportation—

Mr. TAWNEY. No—

Mr. ADAMS. I can not yield further.

Mr. TAWNEY. I desire to correct the gentleman.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. Adams] decline to yield?

Mr. ADAMS. I decline. I did not interrupt the gentleman when he was speaking.

Mr. Speaker, in conclusion, there is another point to which I will call the attention of my colleagues. Our country is passing through a period of territorial and commercial expansion. With the increase in our manufactures and agricultural products it is essential that we obtain new markets. We are legislating and doing everything in our power toward this end. We are inaugurating reciprocal trade relations. We are enacting laws to enlarge the trade with our insular possessions. We are doing everything in a financial way to facilitate the transactions of our merchants, and it especially behooves us that we pass no legislation that would hamper in any way the facilities of our shippers and exporters, which, after all, would be the greatest factor in the promotion of the increase of the commerce of our country. [Applause.]

Mr. SHERMAN. I yield ten minutes to the gentleman from Texas [Mr. Burleson]. Will that be sufficient for the gentleman?

Mr. BURLESON. I think so; but it may not be.

Mr. Speaker, prior to 1888 the antiquated methods and customs which had obtained in the port of London for more than three centuries controlled the unloading and landing of all freight. At that time the shipping interests of America in this port had developed to such an extent that the officials or authorities in charge of the port found themselves unable to grapple with the problem of handling this freight.

The volume of commerce and the manner of its transportation from the North Atlantic ports going to London had assumed phases presented by the shipping interests of no other country upon earth. Colossal vessels had been constructed for the purpose of carrying this volume of commerce, which was flowing from the United States to the port of London. So large were these vessels that if old methods of unloading were to continue it would require weeks to unload one cargo. If these antiquated customs with reference to the unloading and handling of freight were to continue it was patent it would be impossible for this volume of trade from the North Atlantic ports to London to continue. At this time the American shipowners—

Mr. TAWNEY. Will the gentleman kindly describe the conditions which existed prior to 1888, so that we may see whether he understands what they were?

Mr. BURLESON. The conditions, as far as the physical facts are concerned, which existed prior to 1888 were substantially what they are now, with the exception of the marked changes which were brought about by the union of American shippers—

Mr. TAWNEY. What were those changes?

Mr. BURLESON. They are changes in the method of handling the freight at the port; its unloading and landing and provision for it are embodied in every bill of lading now given by one who wants to ship through freight to London.

Mr. TAWNEY. Is the gentleman aware that this change simply means that instead of the steamship company paying the dock company for doing the work, the steamship company does identically the same work itself and charges more for it than was charged before?

Mr. BURLESON. I am not aware of that.

Mr. TAWNEY. That is the fact.

Mr. BURLESON. On the contrary, I will show that there is absolutely no complaint, so far as freight charges are concerned, from any person in America attempting to ship goods from the North Atlantic ports to the port of London. On the contrary, the American shipowners took up this matter with the owners of the London docks, and after great persuasion prevailed upon them to enter into certain contracts which have brought about present conditions, one of these conditions being that the so-called "London landing clause" is embodied in every bill of lading given to a shipper in the United States who wants to ship from a North Atlantic port to the port of London.

Mr. RICHARDSON of Alabama. Will the gentleman allow me a question?

Mr. BURLESON. Certainly.

Mr. RICHARDSON of Alabama. Does not the gentleman know it to be a fact that the shipowners, a long time before the London clause was adopted, paid those charges themselves without complaint—paid them by agreement?

Mr. BURLESON. Certainly; and right now the 1s. 9d. does not cover all the cost of unloading, landing, assorting, and sheltering freight preparatory to its delivery; in fact, the hearings disclose it covers only 60 per cent of this cost, and 40 per cent of the same enters into and constitutes part of the freight charges between North Atlantic ports and the port of London.

That is unquestionably true; and I hope to demonstrate, if I can proceed without further interruption, that the sole ground of complaint is to the character of the charge, and not to the charge itself; in fact, an objection to a mere method of bookkeeping; and that if existing conditions are disturbed it will disarrange the traffic arrangements existing between the shipowners in this country and the dock owners at the port of London to such an extent that 70 or 75 per cent of all character of goods and produce going to London will be materially affected; in fact, all freight going from this country to London, with the exception of flour.

As I was stating, these colossal vessels were constructed, and if these antiquated methods with reference to the unloading and landing of the freight were to obtain, it would take from two to three weeks to unload one of them.

[Here the hammer fell.]

Mr. BURLESON. Mr. Speaker, I will ask the gentleman from New York to yield me an additional five minutes.

Mr. SHERMAN. I yield five minutes more to the gentleman.

Mr. BURLESON. The American shipowners, with a view of overcoming this trouble, took the matter up with the owners of the London docks and, as I have stated, matters culminated in the execution of a contract out of which has grown this custom or practice with reference to the London landing clause in American bills of lading. One of the arguments used by the American shipowner as a means of persuasion to the London dockowner to enter into the contracts I have mentioned was the assurance that it would materially increase the freight from the North Atlantic ports to the London port. How well that expectation has been realized.

Since 1888 there has been such a material increase that whereas then there were only ten millions of hundredweight going from

American ports in 1900 from the North Atlantic ports there were seventeen millions of hundredweight going to Great Britain through the port of London. For thirteen years these contracts have been executed, the London landing clause placed in each bill of lading, and no complaint has been heard from any quarter with reference thereto. Now, suddenly it is all wrong. Why? What is the basis of complaint? Is it that by virtue of these contracts embracing the London clause that an excessive freight tariff is levied on flour between the North Atlantic ports and the London port? No.

On the contrary, in the hearings before the Interstate and Foreign Commerce Committee on this bill, the gentleman who was selected by the flour-milling interests of this country to speak for them in advocacy of this measure had the statement repeatedly made in his presence, and he did not attempt to controvert it, that the freight rate on flour, having added to it the 1 shilling and 9 pence provided for in the London clause, between the North Atlantic ports and the London port was lower than from any other port in the world.

When asked the question then why, if they did not want a reduction in the charge, they wanted a change, the only reason that was assigned—and I challenge the gentleman now to give an additional one—as stated by this witness, was that the 1 shilling and 9 pence, as stipulated for by the London clause, was a fixed charge, and that they were perfectly willing to have it added to the freight charge; but they did not want it to remain a fixed and inflexible charge, but wanted it added as part of the freight charge, so as to place it upon a competitive basis.

When the question was put to him direct as to whether or not the objection was not merely as to the form of the charge, a mere matter of method of bookkeeping, the gentleman who was there representing the milling interests failed to satisfy the questioner, the gentleman from New York [Mr. SHERMAN], that that was not the only objection which he had or could make. If they have no objection to the rate, then what is their objection? Do they object because they have not sufficient time to unload and land their freight?

Under these contracts now they are given three times the time, seventy-two hours, instead of twenty-four hours, which they were formerly given. Is it that unnecessary delay is occasioned at the port in the delivery of flour to London consignees? On the contrary, it has been conclusively demonstrated that one of these great ships can be unloaded under the present methods in four times as short a time as formerly obtained, or would obtain if this bill passes and a return was had to the antiquated customs and methods of the old days.

Mr. TAWNEY. Mr. Speaker, I know the gentleman does not wish to misrepresent the facts.

Mr. BURLESON. Certainly not.

Mr. TAWNEY. But the gentleman knows that they have not seventy-two hours after a ship is unloaded to come and get their goods.

Mr. BURLESON. Certainly I do, and I did not so state; I speak of the unloading of the ship.

Mr. TAWNEY. That they had twenty-four hours after the ship was unloaded and the cargo was sorted, prior to the London clause.

Mr. BURLESON. Oh, no.

Mr. TAWNEY. Then why does the gentleman state that they have three times as much time now to get their goods after they are unloaded as before?

Mr. BURLESON. I did not say after they were unloaded. I said they had three times as much time to unload these vessels, and that they could be unloaded in one-third or one-fourth the time that they could be unloaded if old conditions obtained.

Mr. MANN. Let me suggest to the gentleman from Texas not to yield everything the gentleman from Minnesota claims, because a part of what he has stated is inconsistent with the facts.

Mr. BURLESON. I understand the gentleman from Minnesota. I will attempt to make myself more clear. One of these great vessels, under the terms of this contract with the London Dock Company, under present methods, can be unloaded within two or three days and can be reloaded and started back to New York upon schedule time. It would be impossible to do this if the act insisted upon by the gentleman from Minnesota were passed and we were compelled to return to ancient methods.

But, Mr. Speaker, what is the real grievance of the mill men, the flour manufacturers, against the London landing clause? As I have stated—and I want to be perfectly fair to them—they contend that they desire to convert this fixed or inflexible charge of 1s. 9d. into a flexible charge by requiring it to be added to the freight charge, thereby placing it on a competitive basis.

But I fear that is not their only reason for urging this bill. Let us see. Flour constitutes, as I now recollect it, a little less than 30 per cent of the North American imports into the London port. We are all aware that flour is prepared for market in either bar-

rels or sacks, and when exported and it reaches its port of destination it is easily separable from other parts of the vessel's cargo.

Now, in ordinary course of trade, a ship carrying freight charges simply for carrying the freight, and when it reaches port and places its freight on the dock there its responsibility ends, and the dock company assort and delivers the freight thus unloaded and makes dock charges for same.

Under the operation of the London landing clause the ships assume responsibility for the cargo after placing the same on the docks and do all the work commonly done by the dock company. Now, if this bill is passed, flour, because it is easily separable, might be able to escape the 4 shillings per ton dock charge which would almost surely attach to the other 70 or 75 per cent of American goods and produce which is not so easily separated, but would require days for proper assortment and delivery.

The return to antiquated methods might benefit the flour trade, but we should not legislate in the interest of one class.

Let us see further.

It is an admitted fact that there is great rivalry between the exporters of wheat and the millers who are engaged in exporting flour.

What effect will the passage of this bill have on the respective interests of these rivals, and, indirectly, on another man who is interested and who is asking for no change of existing conditions, in this particular at least—the producer of wheat?

I will give you the answer to this query from the lips of the gentleman who appeared before the Committee on Interstate and Foreign Commerce representing the millers in advocacy of this bill. This gentleman, Mr. Herbert Bradley, of New York, was introduced as one perhaps more familiar with the actual workings of the London docks than anyone else in this country. Hear what he says. Mr. MANN, a member of the committee, interrogated him:

Mr. MANN. Do you think if the commercial clause—

And he meant the London landing clause—

were taken out that that would increase the shipments of flour and decrease the shipments of wheat?

Mr. BRADLEY. Yes, sir.

Mr. RICHARDSON. That is the effect of it?

Mr. BRADLEY. Yes.

The CHAIRMAN. In other words, you would buy wheat cheaper in the United States—the millers would?

Mr. BRADLEY. No, sir; I do not think we would buy wheat cheaper, but we would be put on a better basis.

The CHAIRMAN. How? Please explain that.

Mr. BRADLEY. Because the consignees of the grain or the consignees of the flour figure on the total cost of that commodity laid down in London, we will say. Now, the freight rate averages, I think I am pretty close to it, at least 5 and 6 cents and higher than that a hundred pounds cheaper than flour.

The consequence is that every burden that is put upon the flour is so much of a greater burden. We have got to compete with the world. It is not like any other market. For instance, you take the Australian flour. It is true there is a comparatively small quantity of Australian flour coming into London, but the price of Australian flour makes the price of our flour.

This explanation, I contend, does not explain. The fact remains that Mr. Bradley says if we pass this bill there will be less wheat exported. If so, there will be more wheat on the American market. It is a fundamental principle of economics which governs in a case like this. Unquestionably, if less wheat was exported and more wheat was thrown on the American market it would be to the millers' advantage and to the detriment of the American farmer who produces the wheat.

For these reasons, Mr. Speaker, I oppose this bill. In the interest of the shippers of 70 or 75 per cent of the goods and produce going into the London port, who will surely be saddled with the 4 shillings per ton in dock charges on a large part of each shipment if this bill passes, and in the interest of the producers of wheat, whose opportunity to export same will surely be measurably endangered, I resist its passage.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERMAN. I should like to suggest to the gentleman from Minnesota [Mr. TAWNEY] that he occupy some of his time now.

Mr. TAWNEY. How much time has the gentleman from New York occupied?

Mr. SHERMAN. Forty-five minutes.

The SPEAKER pro tempore. The gentleman from New York has one hour and thirty-two minutes remaining.

Mr. TAWNEY. I have consumed an hour.

Mr. SHERMAN. Four gentlemen in succession have already spoken on this side, and I should prefer that somebody on the other side should speak now.

Mr. TAWNEY. There are very few on this side who wish to speak. There are two members of the committee who wish to speak on the affirmative side.

Mr. SHERMAN. Will not one of them speak now? Then we will balance it up after that.

Mr. TAWNEY. I think the negative side should occupy as much time as we have before we occupy any more time.

Mr. SHERMAN. Very well. I will yield, then, ten minutes to the gentleman from Texas [Mr. BURGESS].

Mr. BURGESS. Mr. Speaker, I will ask the Clerk to read a letter which I send to the desk, and after it is read I wish to comment upon it.

The SPEAKER pro tempore. The gentleman from Texas presents a letter in his time, which will be read by the Clerk.

The Clerk read as follows:

GALVESTON DEEP-WATER COMMITTEE,  
CORNER STRAND AND TWENTY-SECOND STREETS,  
Galveston, Tex., December 3, 1902.

HON. GEORGE F. BURGESS, M. C.,  
House of Representatives, Washington.

DEAR SIR: As the representatives of the commercial organizations of the city of Galveston we beg to call your attention to House bill No. 9059, which seeks to amend the Harter Act, and to ask that you use your influence to secure its defeat. We submit the following as some of the reasons why this bill should not become a law:

First. No nation, particularly one striving for commercial supremacy, should restrict its merchants and ship agents in their right to contract against onerous duties imposed in a foreign port.

Second. The bill, which it is claimed will apply only to the port of London and is aimed only at ship owners, is so sweeping in its scope that it will affect American exports in a great number of ports.

Third. The American merchant should not thus be handicapped while his commercial rivals in other nations are unrestricted in their right of contract.

Fourth. Hardly any two ports are alike in their surroundings or are governed by similar laws and customs; for these reasons the shippers and the shipowners from time immemorial, under the right of contract, have limited their ability to delivery at the end of the ship's tackle.

Fifth. All legislation tending to subject shippers or shipowners to foreign port charges will inevitably result in higher freight rates upon exports, and these increased charges must primarily be borne by the American shipper.

Sixth. The exports through this port being largely of agricultural products, the increased ocean freight rates caused by such a law would ultimately have to be borne by the American producer.

Seventh. The effect of this bill, should it become a law, would be to shift the burden of onerous laws and customs from consignees in foreign ports to the American shipper, notwithstanding the fact that the consignees in such ports understand much better the local situation and are in a better position to protect themselves than their consignors.

These are only some of the disadvantages that our experience as shippers convince us will arise from the enactment of such a law.

Very respectfully,

R. WAVERLEY SMITH,  
Chairman Galveston Deep-Water Committee and  
President Chamber of Commerce.  
I. H. KEMPNER,  
Vice-President Galveston Cotton Exchange and Board of Trade.  
B. ADOUE,  
President Galveston Maritime Association.

Mr. BURGESS. Mr. Speaker, this letter comes from a high commercial source in my section. It is written by men of character and ability, who have no interest at stake other than the furtherance of a great commerce from a great port, and that being the case the letter is entitled to weight.

Among the reasons thus briefly given in the letter one strikes me with peculiar force. This tinkering by legislation with the right of private contract is always dangerous and can not be defended except upon the ground that the limitation sought to be placed upon the unlimited right of contract seeks to prevent a stipulation which is oppressive and unconscionable. Safe and wise statesmanship would go no further. The Harter Act prevents a stipulation which would limit the liability of a steamship company against its own negligence, but this bill provides that it shall be prohibited from contracting with its shipper as to the method alone by which freight shall be handled in foreign ports, for there is no contention here that these charges are oppressive, that they are unjust, that they ought not to be paid, that they are injurious to commerce. The contrary has been judicially ascertained to be true.

This very question, three years after the process was established, was taken in the English courts and this clause tested, and the courts decided that it was a contract in furtherance of the shipping interests involved, that it worked to the advantage of both, that it was not unreasonable, that it was not oppressive, that it was not injurious to the shipper or to those involved, but almost necessary, the court says, to the expeditious transaction of the commerce of the port of London.

Now, I would be the last one, if I knew it, to fail to vote for a bill that would add to the interests of the country to which I belong; but before I go to tinkering with the rights of steamship lines, railroads, or individuals, I wish to see that I will benefit the commerce of the country I serve. The argument that it is a steamship company or a railroad company or a corporation has no weight with a well-balanced judicial mind. It cuts no ice with any man who wishes to do what is fair and right and best for his country. We ought not to refer either to the flour interest or the shipping interest or any other particular interest here on a great proposition of this kind.

The question is, What good will be done to commerce and shipping by the passage of this bill? After a careful investigation of all the arguments that have been written in its favor, and of the report which has been written in its favor, I fail to see anything whatever beyond the bare contention that if you blend the necessary existing charges, built up by fourteen years of successful

operation, into the ocean freights, possibly competition will lessen these charges. That is impossible, for the reason that these charges are fixed in a foreign port by conditions over which no steamship line can possibly have any control, and it is a mere question of changing existing business conditions, prosperous and healthy, in a wild effort to benefit some particular class of shippers by fixing a limitation upon the right of private contract.

The English courts have determined that this is unwise, that it is unreasonable and injurious. Doubtless the American courts would determine the same. Then why shall the American Congress by legislative enactment infringe the right of private contract when the courts say and the facts show nobody is injured by it? Shall we legislate so as to possibly promote competition that may benefit a particular class? If we commit ourselves to that policy, where shall we stop in legislation of this character?

Mr. STEWART of New Jersey. Will the gentleman yield for a moment?

Mr. BURGESS. Yes.

Mr. STEWART of New Jersey. Is it not an outrage and violence upon private contract to impose this London clause in the contracts against the consent of the North Atlantic shippers?

Mr. BURGESS. Do you contend that your shippers will not have this to pay if this bill passes?

Mr. STEWART of New Jersey. That is not an answer to my question.

Mr. BURGESS. I think it is.

Mr. STEWART of New Jersey. My question is whether it is in violation of private contract to impose this obnoxious London dock clause on the North Atlantic shipper?

Mr. BURGESS. We have got no contract until one is made, have we?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAWNEY. I yield thirty minutes to the gentleman from Alabama [Mr. RICHARDSON], a member of the committee.

Mr. RICHARDSON of Alabama. Mr. Speaker, I have listened with attention to the remarks made by a number of gentlemen who oppose the passage of this bill, and the result of their contention seems to me to be this—that the will of the shipowners should be substituted for the law that governs the foreign port in the country where these ship companies were incorporated and whose flag they carry. That seems to me to be the contention. My purpose and my object, Mr. Speaker, so far as I can do so in the limited time allowed to me, is to present what I believe to be the law in this case and what the effect of this London landing clause is as opposed to the law. When that is done and submitted fairly to the honest judgment and opinion of this House, then I have no further interest in the subject, for it is solely my idea of justice and right that influences me in this important matter.

The bill under consideration and reported favorably by a majority of the Committee on Interstate and Foreign Commerce proposes to amend the first section of an act known as the "Harter Act," passed by Congress in 1893. The first section of the Harter Act, among other things, provides that it shall be unlawful for any shipowner, agent, or master to insert into any bill of lading any clause, covenant, or agreement which exempts the shipowner from damages for negligence, and the absence of which clause in the bill of lading would make the shipowner liable for the damages under the provisions of the common law. This bill proposes to amend said first section of the Harter Act by enlarging the same by making it unlawful for any shipowner, manager, or agent to insert in any bill of lading or other shipping document any clause, covenant, or agreement whereby there is imposed on the merchandise or consignees the payment of dock, landing, or sorting charges, or charges of any kind for the discharge or delivery of the cargo of the ship, the payment of which is imposed on the shipowner, his agent, or master, or any person other than the consignees, by the laws or statutes or customs of the foreign country or countries to which such merchandise shall be transported.

In other words, this bill proposes to prevent the shipowner from so using a bill of lading as to transfer from his shoulders the burdens of certain landing charges—outside of and in addition to freight charges—to the consignees of his ship's cargo, which charges the laws of certain foreign ports require the shipowner himself to pay. This bill has, in fact, Mr. Speaker, a specific, well-defined application. And while it reads upon its face as applicable to all foreign ports, yet in truth it is intended to correct a trouble and mitigate an evil that alone exists at the port of London, England, in connection with North Atlantic ship lines.

Now, Mr. Speaker, in order to make myself plain and understood, it becomes my duty to refer briefly to the history which creates the necessity and the reason for which this bill is presented, and the object it has in view and the evil it proposes to remedy. Hundreds of years ago the King of England, under his

royal license, granted to certain bargemen and lightermen certain immunities, privileges, and exemptions from the payment of certain charges and costs, by reason of services that these lightermen and bargemen rendered the King on the waters of the Thames. That exemption of costs and payment of charges was that these lightermen and these bargemen should enjoy the right in the waters of the Thames to carry their lighters and their barges along the side of the ships and have an overside or over-rail discharge of their cargoes of the ships into these barges and lighters without the payment of other costs or charges save the freight bill.

The first dock company of London was incorporated nearly two hundred years ago by the Parliament of Great Britain. These bargemen and lightermen, in view of the privileges that had been extended to them by the King of England, had sufficient power and influence in the Parliament of Great Britain to insert in the charter of the first dock company ever incorporated the same privileges and the same exemptions that they had enjoyed from the license of the King of England from time immemorial.

Mr. GILBERT. What was the difference between the charges of the dock companies and the lightermen?

Mr. RICHARDSON of Alabama. There was no dock company at the time that the King first granted this license. The dock companies were incorporated many years after these bargemen had enjoyed the license of the King. In order to make myself intelligent, I will read what this privilege was. I read from the act of Parliament the provision which was inserted in the first dock charter, and which required the dock waters to be as free as had been the waters of the Thames:

188. All lighters and craft entering into the docks, basins, locks, or cuts to discharge or receive ballast or goods to or from on board of any ship or vessel lying therein shall be exempt from the payment of any rates so long as the craft or lighter is bona fide engaged in so discharging the ballast or goods, and also all the ballast or goods so discharged or received shall be exempt from any payment whatever.

This simply perpetuated the custom granted by the King to bargemen and lightermen.

That was inserted in the first dock company's charter. That is the law to-day, and no man denies it.

Now, in view of the fact that there had been a wonderful improvement and development in the transportation facilities of the seas, in the matter of commerce and the enlargement of the shipping facilities, the use of large steamships, etc., these shipowners, looking only to their own interests, in view of the fact that it was a great trouble and inconvenience to have the sorting of the cargo—as they were required under the old custom to do—on the decks of the ship; in view of the fact, looking to their own interests, that it caused delay when these barges and these lighters came alongside of the vessel and had an overside delivery; desiring to expedite the delivery of their cargoes in order that they would save time and money to themselves in returning for another load; looking to these facts, the shipowners themselves adopted a plan, a policy of unloading their cargoes upon the quays of the docks, and doing that for their own convenience. It was done by an agreement between the shipowner and the master of the dock. The shipowner bought so much space on the docks on which to discharge and deliver the cargo to the consignees. There the goods were parceled out or sorted, and he employed dock men to sort the goods, setting each consignee's parcel off to itself. The shipowner paid out of his own pocket all of these charges just as if he had delivered his cargo overside his vessel into the barges and lighters under the freedom granted by the King of England. For their own pecuniary advancement and interest they did all of this. The London clause, as stated in the minority report, was the immediate result of this concurrence of delivery and discharge on the quays of the dock between the shipowner and the dock company. That is not the fact. Mr. Choate in his report comments on it properly. He says:

We accordingly find that until the introduction of the London clause into the bills of lading of the North Atlantic lines running to London, in April, 1888, and since then in all other trade, all such expenses in that port have been paid by the shipowner. It comes out of the freight, as all expense of discharge and delivery has always done.

For a considerable period prior to the introduction into the bills of lading of the London clause, the steamship companies discharging cargo on the dock quays (including the North Atlantic lines) had been paying the dock companies for flour at the rate of 10d. (20 cents) per ton, which they bore themselves without any attempt, so far as I have been able to learn, to put the whole or any part of it upon the owners of cargo.

The shipowners adopted that policy. What does Mr. Choate say in connection with that in connection with section 4 of the shipping act of the Parliament of Great Britain, 1899, which I will read?

Mr. SMITH of Kentucky. I would like to ask the gentleman a question. I want to understand that point.

Mr. RICHARDSON of Alabama. It is one of the strong points in this case, I think.

Mr. SMITH of Kentucky. I understand the large ships had been in the habit of unloading their cargoes onto lighters and barges?

Mr. RICHARDSON of Alabama. Yes.

Mr. SMITH of Kentucky. After the organization of the dock companies they stopped doing that and unloaded onto the dock, and then they paid these charges themselves?

Mr. RICHARDSON of Alabama. They did; they paid them until the charge reached 20 cents per ton on flour. The bargemen and lightermen, still active and acute and farseeing as to their interest, got this clause further enacted by the Parliament of Great Britain, known as section 4 of the shipping act of Great Britain. It reads as follows:

*Extract from merchant shipping act, 1894, chapter 60, 57 and 58 Victoria, section 493.*

(4) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

Then it was that these discharges were made on the quays and docks for a long time in advance of the London clause to promote the interests of the shipowners themselves.

Mr. GILBERT. Since the enactment of that statute what are the facts? Do the ships go up and unload themselves onto the dock, and are the services of the lighters and barges dispensed with?

Mr. RICHARDSON of Alabama. The services of the lighters and barges are dispensed with. It is a substitute for the custom of over delivery into barges, and a substitute that the shipowners resorted to in order to benefit their own interests in matter of convenience and saving time.

Mr. GILBERT. And the cargoes are unloaded on the dock?

Mr. RICHARDSON of Alabama. They are unloaded on the dock. What does Mr. Choate say about that, Mr. Speaker? He made a judicial investigation; an investigation requested by our State Department. He made it as our ambassador to England. He says:

While such was the custom of the port, if for his own convenience the shipowner discharged the cargo, or any part of it, on the dock quay, the dock owners had a right to levy a charge upon it, and this charge, so far as I can learn, in the absence of any agreement to the contrary with the owner of cargo, has uniformly been paid by the shipowner, who, for his own convenience, preferred to discharge it there instead of over side.

Then, the law as it stands now regulating the discharge of cargoes from ships at the port of London is: First, the consignee has the right to demand an over-side or over-rail delivery of his goods into the barges or lighters that come along the side of the vessel, and this he is entitled to without the payment of any costs or charges for delivery. He pays the freight bill. Second, if the shipowner discharges the cargo on the quays of the docks, then the consignee has the right, within twenty-four hours after his goods have been sorted on the dock, to demand his goods, paying no costs or charges save the freight bill. No gentleman on this floor will deny this to be the law of Great Britain.

Then the question is, What did the shipowners do to get rid of these two frowning and easily understood statutes that caused them to pay landing charges? They put their heads together and they devised—they concocted the most unjust, inequitable, and unfair clause that I have ever known to be put into any bill of lading, an outrageous imposition on the industries of our country—what is known as the "London landing clause." That simply does this; it pretends to be a contract which I want to discuss for a little while. I will first read the London clause:

*London clause (A).—The steamer owners shall, at their option, be entitled to land the goods within mentioned on the quays or to discharge them into craft hired by them immediately on arrival and at consignee's risk and expense, the steamer owners being entitled to collect the same charges on goods entered for landing at the docks as on goods entered for delivery to lighters. Consignees desirous of conveying their goods elsewhere shall, on making application to the steamer's agents or to the dock company within seventy-two hours after the lighters at the following rates, to be paid, with the freight, to the steamer's agents against release, or to the dock company, if so directed by the steamer's agents, viz:*

*Following wooden goods in packages: Clothes pegs, spade handles, blind rollers, hubs, spokes, wheels, and oars, 1s. 3d. per ton measurement; hops, 2s. 9d. per ton weight; lumber and logs, 2s. per ton measurement, 2s. 6d. per ton weight, at steamer's option; all other general cargo, except slates, 1s. 9d. per ton weight or measurement, at steamer's option; minimum charge 1 ton. Slates to pay 2s. per ton weight. Cheese may also be removed by consignee's vans within one week after steamer shall have reported, subject to a like payment of 3s. 3d. per ton weight, such sum to include loading up and wharfage. Any single article weighing over 1 ton to be subject to extra expenses for handling, if incurred. All measurement freight to be on the intake caliper measurement, as stated in margin. Freight by weight (grain excepted) to be paid upon the weight stated in margin, or, at steamer's option, upon landing weight. If weight has been understated, the cost of weighing to be a charge upon the goods. All shipments of lumber and logs which are sent forward on a weight rate will pay freight on the railroad weights furnished at port of shipment. No alteration will be permitted in any weight or freight included in this bill of lading except at steamer's option.*

The sole object and aim of the shipowner, as shown in this clause, is to evade the laws of Great Britain in a pretended contract and free themselves from the payment of any costs or

charges of landing and put the payment upon the consignee, whom the law of Great Britain exempts from paying it.

Mr. WM. ALDEN SMITH. May I ask the gentleman a question?

Mr. RICHARDSON of Alabama. Certainly.

Mr. WM. ALDEN SMITH. Is it the gentleman's opinion that this charge is valid upon the consignee or consignor?

Mr. RICHARDSON of Alabama. It is my opinion that the London clause, framed in the way it is, is invalid in every respect as a contract.

Mr. WM. ALDEN SMITH. I agree with the gentleman and favor the bill. But who pays it, the consignee or the consignor?

Mr. RICHARDSON of Alabama. Why, the consignee pays it, and if the consignee pays it on the other side of the water, as a matter of course the shipper or the consignor over here suffers accordingly; because if I buy a barrel of flour over there, knowing the London clause, I will make the shipper here pay for the additional charge under the London clause by including it in the amount I pay.

Now, it is a clear proposition that the shipowners got together and formed and concocted this London clause simply to relieve themselves and make the shipper or importer pay these charges.

Many efforts have been made in the courts of England and in the Parliament of England to annul or amend the statutes that I have read and which the London clause, as framed by the North Atlantic ship lines, virtually annuls on the theory that the shipper agrees to the bill of lading, and the same is a contract; but all these efforts on the other side of the waters have signally failed. It is true that a stated case was tried in London before Justices Day and Wilson in the Queen's Bench Division, but the decision of these eminent judges merely decided that the shippers of this country had contracted the consignors out of the rights that the laws of England gave them. That is the evil that this bill proposes to correct. Mr. Choate in his report comments quite caustically on the report or decision of the Queen's Bench Court. He says:

The shipowners rely very strongly on this judgment and on the opinion as establishing their side of the case, but it will be noticed that the only point decided was that the plaintiffs were bound by their contract, and that they had contracted themselves out of the right they claimed, and that beyond that the opinion is largely obiter. There was no evidence whatever, so far as I can see, of the moderateness or reasonableness of the charge, which is the most important point. The report of the case is among the accompanying papers.

Although it is stated by the special case and by the judge that the introduction of the London clause was in pursuance of an arrangement made at a meeting of shipowners and merchants held in London in December, 1887, this is stoutly denied by the merchants here, who insist that the only meeting ever held on the subject was a meeting of shipowners and consignees, not of cargoes, but of ships, who were, of course, only the agents of the shipowners.

And the question now is on the subject of the contract. In this connection I wish to refer to the principle of law bearing upon the question—the law as taught by Chitty on Contracts—that there must be a mutuality or concurrence of wills in order to make a valid contract. Does any gentleman contend on this floor for a moment that where the arbitrary power exists on the part of one of the contracting parties to raise the London charges as they have done since 1888, from 1s. 2d. to 1s. 6d., and next to 1s. 9d., making 42 cents, without ever consulting the other party to the contract—do you call that a valid and a binding contract? That is what they are contending here for, and that is all.

Why, Mr. Speaker, I will not be so unkind as to refer to it here as being in the nature of a "hold-up" on a public highway. But what refuge have these shippers? Why, sir, Mr. Hemphill, the attorney for the ship interests, in his statement before the committee, said:

Of course, if they are in business and want to ship to London they have to ship by our boats or hire boats of their own, or do something else of that kind; but there is no law that compels them to do this business that I know of.

Is that a contract born of mutual consent? The rule is different in a case like this and a contract between my friend across the aisle and myself. I ask gentlemen to listen to the language of Judge Bradley of the Supreme Court of the United States. I read from the case of the New York Central Railroad Company v. Lockwood, 17 Wallace:

The carrier and his customer do not stand on a footing of equality. The latter is only one individual of a million. He can not afford to higgler and stand out and seek redress in the courts. His business will not admit such a course. He prefers, rather, to accept any bill of lading or sign any paper the carrier presents; often, indeed, without knowledge what the one or the other contains. In most cases he has no alternative but to do this, or abandon his business.

That is the case with these shippers.

If the customer had any real freedom of choice, if he had a reason and practicable alternative, and if the employment of the carrier were not a public one, charging him with the duty of accommodating the public in the line of his employment, then if the customer assumes the risk of negligence it could with more reason be said to be his private affair and no concern of the public. But the condition of things is entirely different, and especially so under the modified arrangements which the carrying trade has assumed.

The business is mostly concentrated in a few powerful corporations whose position in the body politic enables them to control it.

I ask, Mr. Speaker, whether that is not the condition of these North Atlantic lines running to London? They have formed this combination. No matter whether there is one interest or whether there are more represented before this House, that makes no difference. No matter whether it be a fact, as gentlemen have said here, but which I do not concede, that nobody appears here except the lumbermen and flour men. It is a principle we are contending for. A man admits his case away when he says that he contends that the bill ought to be defeated because there is nobody here but the millers and the lumbermen contending for it.

Now, Mr. Speaker, in the time left to me I shall direct my attention further in this matter to my specific objections to this London landing clause. First, this London clause is in the nature of a duty imposed upon American products, not by the British Government, but by a corporation for its own benefit. Second, it is an arbitrary charge made by reason of a combination.

A MEMBER. A combination of corporations.

Mr. RICHARDSON of Alabama. Yes. I put that question to any gentleman on either side of the House to answer it. Is not this in the nature of a duty imposed exclusively upon American products, not by the British Government, but by a corporation or combination of corporations, whose steamships run from the North Atlantic ports to the port of London?

Mr. ADAMS. Will the gentleman permit me—

Mr. RICHARDSON of Alabama. I have but a few minutes.

Mr. ADAMS. The gentleman asked a question, and I should like to answer it.

Mr. RICHARDSON of Alabama. Very well.

Mr. ADAMS. I wish to state that this sort of an agreement is not limited to the steamships running from the North Atlantic ports. The Peninsular and Oriental Steamship Company, as I happen to know, has the same clause in its bills of lading, as has every other steamship company whose steamers run to England.

Mr. RICHARDSON of Alabama. There is no port in the world, so far as I have found, that has the conditions gathered around it to-day that the trade from the North Atlantic seaports to London has. There are no other ports in the world save the port of London that this bill directly applies to in actual effect.

But why do I say that this charge is in the nature of a duty? Mr. Choate plainly says in his report that there can be no question that there is a discrimination against flour, and that it amounts to 3½ cents a barrel. Why should that be? The gentleman from Massachusetts [Mr. LAWRENCE] asked the question of the gentleman from Georgia. Could he give any explanation of why it is? Three and one-half cents a barrel on flour going from our North Atlantic ports that does not attach to flour from France or Australia—a charge on this one industry which, since 1888, has amounted to \$1,500,000, which these shipowners have taken from the pockets of the flour men of this country by transferring this charge from their own shoulders to these flour interests. Yet gentlemen stand on this floor and say, "Oh, there is nobody complaining except the flour interest."

About this Mr. Ambassador Choate says:

There is undoubtedly a discrimination as against flour from the United States and Canada in favor of flour coming to London from all other parts of the world. Flour is brought to London from many other parts of the world and is landed and delivered from large steamers in much the same way, and whatever cost attaches to this mode of delivery is paid by the shipowners out of the freight, no such clause as the "London clause" having been adopted.

Then why, I ask, should the Congress be expected to perpetuate this wrong? No man can say that this is right, that it is just and fair. No valid reason is given for it. Some contend that the lumbermen and flour men do not know what their interests are. That the shipowners are the real guardians of the interests of the flour and lumber men. But the fact is this London clause applies to all merchandise shipped from North Atlantic ports to London and not exclusively to flour and lumber.

Mr. Choate says that there can be no question that there is a discrimination against flour. Why, it is a known fact that there is a close competition in the shipment of wheat from this country to foreign countries, especially to France, and yet under this London clause as it is enforced now, the French miller can come to this country, buy his wheat, carry it to France, have it ground up into flour, and bring it to the port of London and be exempt entirely from the payment of 3½ cents per barrel, and then it competes with American flour.

Mr. GILBERT. I would ask if the gentleman has time to explain why the discrimination is made against this country especially? I understand the gentleman to say that that rate does not apply to flour brought in from France, from Australia, or from any other foreign port; that is applied exclusively to flour brought in from this country.

Mr. RICHARDSON of Alabama. From North American Atlantic ports.

Mr. GILBERT. Why is that?

Mr. RICHARDSON of Alabama. Simply because these ship-owners have formed a combination and it is to their interest to make the shippers pay that.

My third objection to this clause is because the American shipper is morally coerced to accept the contract containing the London clause or give up his business and his export trade with London.

Mr. GAINES of Tennessee. Have they bought a quay to land this freight?

Mr. RICHARDSON of Alabama. Yes. That is all there is in it, and when we fail to pass this bill as it is to-day, in my humble judgment, with the law facing us as it does, we will make a great mistake. These shipowners, according to the ipse dixit of their own sweet will, come here and flood the House with communications and literature asking you not to allow this bill to become a law. Why is that? It is because they say, and those who support the minority report say, it is a reasonable charge. Mr. Speaker, who is the most suitable man in a contract to determine whether the charge is reasonable or not? Is there simply one side to a contract, as in this? That is all there is in this case.

Why, my friend from Minnesota [Mr. TAWNEY] could have gone one step farther in illustrating the differences between the charges at the port of London and at the port of Liverpool. Let us see just for one moment. We have immense ships now which will carry from twelve to fourteen thousand tons. Take one of 14,000 tons sailing from a North Atlantic port to the port of London. Because of the charges there the shipowner makes \$19,180 more than he makes in carrying the same load to the port at Liverpool. Why is that? Let those gentlemen answer. That shipowner makes \$19,180 on a ship of the same tonnage more than he does if he carries the same cargo to the port of Liverpool. He makes \$16,220 more than by carrying it to the port of Glasgow.

Mr. SMITH of Kentucky. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. SMITH of Kentucky. I would like to know why they do not exact this same clause in their contract of shipments to ports other than the London port. They, according to the contention of the gentleman from Alabama, seem to be making money out of this business.

Mr. RICHARDSON of Alabama. Why, the London port is the greatest consumer of the goods of America.

Mr. SMITH of Kentucky. If they can make so much money by having this clause in their contract to the port of London, why not have it in the contract of shipments to other ports?

Mr. RICHARDSON of Alabama. They have better opportunities to make money by their combination and control the flour and lumber trade of the North Atlantic ports with port of London.

Mr. SMITH of Kentucky. Why do they not exact the same stipulation in their contracts for shipments to Liverpool and other places.

Mr. RICHARDSON of Alabama. I do not know. I can not tell. I am talking about the facts of this case. I am not speculating upon what might be done otherwise. This is what they have done. This is what we see they have done.

Mr. MANN. Does the gentleman claim they make \$16,000 more on shipments to London—

Mr. RICHARDSON of Alabama. Yes; I do, according to the estimates and figures that we have made, and that is a fact.

Mr. MANN. On a ship which carries 14,000 tons?

Mr. RICHARDSON of Alabama. Yes.

Mr. MANN. On freight that they make an extra charge of 42 cents a ton for, and that that makes \$16,000?

Mr. RICHARDSON of Alabama. There are, of course, other things connected with it, but those are the statistics. That I have no time to explain. There is no question about that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RICHARDSON of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. Mr. Speaker, to save time, I ask that all speakers on this measure have leave for five days to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that all persons speaking on this measure have leave for five days to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. SHERMAN. I yield to the gentleman from Illinois [Mr. MANN] thirty minutes.

Mr. MANN. Mr. Speaker, this bill is known among us as the London dock bill. Its friends claim that it will affect no other port in the world except London. The terms of the bill are much broader than that and might, in fact, prohibit some of the clauses now inserted in every foreign bill of lading, no matter to what port the consignment is made. Practically all of the vessels which carry freight from this country and Canada to London, and certainly all of the great steamship lines, now insert in their bills of lading what is entitled the London clause. That clause provides, in effect, that the shipowner may disregard in the port of London the old custom of transferring the goods from the vessel direct to a barge or lighter alongside, and may land the freight at once upon the dock, assort it there, and then deliver it, after assorted, from the dock to the barge, and that for this service the consignee of the goods shall pay a certain fixed charge, which, for most articles of freight, is 1s. 9d. per ton.

The design of the pending bill, as explained by its advocates, is to prohibit the insertion in bills of lading of this so-called London clause. A full understanding of the merits of the bill requires a full understanding of the customs of the port of London, of the charter of the London Dock Company, of the laws of Great Britain in regard to the port of London and in regard to the general subject of shipping, and also of the actual practice in regard to the shipment of freight to London, the carrying of the freight there, and the unloading and delivery of it when it arrives there.

Mr. Speaker, I come to the discussion of this subject with a good deal of hesitation and with a knowledge of the meagerness of my information in regard to it.

I have always found that where a custom has grown up in commercial business there was some reason for it. When this bill was presented before the Committee on Interstate and Foreign Commerce, it was with the claim, made by the very genial and able gentleman from Minneapolis [Mr. FLETCHER], whom we all greatly admire, and the brilliant and indefatigable gentleman from Minnesota [Mr. TAWNEY], whom we often like to follow, that all of the merit and favorable arguments were upon one side. It occurred to me at that time that possibly the London landing clause was not agreed upon by all the trans-Atlantic steamship lines unless there was some good apparent reason for it. This seemed especially likely because transportation across the Atlantic is not like transportation between two railroad points. Anybody has the permission and opportunity to construct and operate a steamship. There can be no natural monopoly in transportation on the sea. The flour millers in Minnesota are not prevented from constructing their own steamships and carrying flour to London. It requires no special grant of charter or franchise from the city or legislature to run a steamship line. Anybody has the power. Aye, more—there are plenty of tramp steamers at all times carrying freight across the Atlantic Ocean. The Minneapolis millers who come before Congress with this complaint made an effort to engage tramp steamers to carry their flour across the Atlantic, but they discovered that it would cost them far more in freight without the London clause than it does now with the London clause.

Mr. TAWNEY. Will the gentleman permit me an interruption right there?

Mr. MANN. I will if it is brief.

Mr. TAWNEY. The men who employed tramp steamers gave it up, not because of the increase of freight, but because the tramp steamers were not regular in their shipments to that market, and they want regular shipments in order to accommodate their business.

Mr. MANN. Ah, Mr. Speaker, the shipments would be regular if they could get the business. There would be no trouble about the regularity of tramp steamers, for they would readily unite in forming a new company at once if they could get the business.

Mr. TAWNEY. They would not be tramp steamers if they formed a line.

Mr. MANN. The gentleman is mistaken as to the reason for not shipping by tramp steamers. His own witness stated in our hearings that the reason they did not employ tramp steamers was because when they endeavored to do so they found that the freight by the tramp steamers would be about 50 per cent higher than by the regular liners.

Mr. RICHARDSON of Alabama. Will the gentleman permit me to ask him a question right there?

Mr. MANN. I yield to the gentleman.

Mr. RICHARDSON of Alabama. Is it not a fact that that witness further stated that the reason these tramp steamers could not succeed was because there was a combination made between the North Atlantic liners and the dock managers in London that prohibited the tramp steamers from getting a fair show?

Mr. MANN. My friend from Alabama is mistaken. The witness did not so state. I think I speak with a thorough knowledge of the testimony in the case.

Mr. RICHARDSON of Alabama. I think I do, too.

Mr. MANN. I have merely answered the question the gentleman asked me.

Now, Mr. Speaker, I will endeavor in a few words to show the House why the London clause was inserted and why the abolition of the London clause would be the abolition of a discrimination in favor of American ports. The gentleman from Minnesota and the gentleman from Alabama have stated that the London landing clause is a discrimination against North Atlantic ports. On the contrary, Mr. Speaker, I am prepared to assert that it is a discrimination in favor of the North Atlantic ports.

Now, what are the facts? There are four great ports in Great Britain to which the freight from this country is consigned—Glasgow, Liverpool, Southampton, and London. London is the greatest city of consumption of goods, but up to within a few years little of the freight business went directly to the port of London. Freight for London was consigned to Liverpool or Southampton. Liverpool is on the side next to us, and is the nearest; Southampton is on the south coast of England, and London is on the easterly side. London is a little farther away than the other two ports. The railway charges from Liverpool and Southampton to London are quite high, and the freight going from this country to London by way of these other ports was paying a higher rate of freight than was justified by the situation. Not much of it was going directly to the port of London. Why was this?

Mr. Speaker, freight that goes to the port of London by vessel can not pass up the Thames River to the city warehouses without being unloaded from the vessel onto barges or lighters. The river has not depth sufficient to enable large ships to pass up to the city warehouses.

The expense of lightering all the freight is naturally very heavy under any circumstances, but the expense at London was, and still is, much enhanced by the customs and special laws and charters applicable to that port which confer certain monopolies. For instance, the London and India Dock Company is a monopoly. It has exclusive control of all docks on the river Thames which foreign vessels can reach.

Mr. GILBERT. Do you mean it has control of the barges?

Mr. MANN. No; not the barges. It has control of all the docks. That company was chartered something over a century ago. Before the building of the docks the universal delivery of freight was to deliver it overside midstream onto barges. The lighters or barges were controlled by the Watermen's Company. There was inserted in the dock company's charter a provision that the barges should be permitted not only to take freight overside from vessels midstream, but they should also be permitted to enter the docks for the same purpose without charge. It should be remembered that the tide has a rise and fall of about 15 feet on the Thames River and the vessels which go up the river go into the docks at high tide and are locked in.

The custom of the port of London is that a consignee of freight, desiring to obtain the same, can send a barge down the river to meet the incoming vessel within twenty-four hours after it is first reported, and that such barge is entitled to receive the goods from the vessel without paying any charges to the dock company. These barges have no power of propulsion. They go neither by steam nor wind. They float up and down the river on the current caused by the tide. If the barge reaches the vessel in time, it is entitled to be locked in the large dock with the vessel and is entitled to make use of the dock and receive the freight without paying any expense therefor. If the incoming vessel lies in midstream and discharges its cargo onto barges, there is, of course, no possible expense to be paid to the dock company.

If the vessel, however, enters the dock and discharges its cargo overside onto barges, the expense to the vessel is 1 shilling per ton for the rated tonnage of the vessel, which is the charge for entering the docks. If the vessel discharges its cargo onto the quay or wharf of the dock, the shipowner must pay to the dock company various additional charges for landing the goods, etc.; but the consignee, if his barge has come alongside the ship within twenty-four hours of her report, is entitled to have the goods delivered to his barge free of charge against him, dock or landing charges. If, however, the consignee has failed to have the barge alongside within twenty-four hours, then the shipowner, under the charter of the dock company, is entitled to land all of the goods on the quay, and the dock company becomes immediately entitled to assess a charge against the goods, if it so wishes, of 4 shillings per ton, though there are various rates for various articles and services.

This was the system which was in force in London until within a very recent period. A vessel going from this country to the port of London entered one of the docks, say Tilbury dock, 14 miles below London. The vessel had been reported, of course, some hours before it reached the dock. The consignee, by watching the list of reported vessels, could know that the vessel which had his goods would soon be at the dock. By making arrange-

ments with the owner of a barge at or near the dock he could have the barge report alongside the vessel within twenty-four hours of her report, and he himself could make entry of his goods at the custom-house and obtain permission to take possession of them and give notice to the shipowner or the dock company that he desired to obtain the goods. The notice and the entry would have to be made within twenty-four hours of the report of the ship, and the barge must be alongside within that time. If this were done, he became entitled to receive his goods without paying any charge to the dock company. The vessel might deliver the goods overside the barge directly, or it might land the goods on the quay and deliver them to the barge from the quay. In either case all of the charges of the dock company were paid by the shipowner and not by the consignee.

If the goods were delivered overside they would, of course, have to be sorted on the deck of the vessel. When there were only a few consignees and a few classes of goods on the vessel this was not such a difficult thing to do, and when the vessels consisted of sailing vessels their time was not so valuable but that they might easily lie in the dock long enough to deliver overside all of the goods which had been demanded within the twenty-four hours. In fact this was the general practice at the port of London until within a comparatively recent time.

But, Mr. Speaker, with the increase in the amount of freight and the enlargement of the size of the vessels it became an impossibility to deliver the goods overside.

The big trans-Atlantic liners have a tonnage of from ten to twelve thousand tons. They carry twelve to fourteen thousand tons of freight, the amount of freight exceeding the tonnage of the vessel. They have from 500 to a thousand consignors and from 500 to a thousand consignees. They sometimes carry 75,000 sacks of flour which belong to gentlemen of Minnesota in one vessel. Now, these sacks of flour and other articles in the ship are not loaded separately by themselves. They are not put off in a part of the vessel by themselves. When the Washburn people, in Minneapolis, are manufacturing flour on the order of a dozen different people in London, they keep no account of the sacks of flour. Every sack, it is true, has a special label, but the flour is put into the sacks indiscriminately. The sacks for A and the sacks for B are not kept by themselves, but the sacks for the whole alphabet are thrown together. They are loaded on the cars indiscriminately, put into the vessels indiscriminately, and a part may be put in one portion of the vessel and another part in another portion of the vessel. It is absolutely impossible to load a big vessel with flour and load the flour in only one portion of the vessel, because it must be distributed around so as to make an even weight over the ship. The result is that when the articles arrive in London in the ship it becomes an absolute necessity that they be landed before they can be sorted and delivered.

It is quite impossible to land them overside. It is true that it might be possible to land flour overside if the vessel carried only flour, and that is why I suggested to the brilliant gentleman from Minnesota that he have his people send over flour in one vessel, and then it could all be landed overside without any London charge, without going into the dock.

Now, this method of doing business interfered with the trade at the port of London. The shipments of flour to London have nearly doubled since the landing clause was inserted in the bill of lading in 1888. There were shipped to London a little over 500,000 tons of flour in 1888, and the shipments to London from this country have gone up to over 850,000 tons of flour in 1900. The gentleman from Minnesota stated erroneously that the flour shipment from Australia was 500,000 tons. The fact is that the shipments of flour from this country are ten times as much to London, with the London landing clause in, as they are from all the rest of the world put together, with the London landing clause out as to the rest of the world.

This provision was put into the bill of lading—I have not the time to explain the matter as fully as I would like—but this provision was put into the bill of lading because under the old system it became, as I say, impossible to land the goods overside; they must be put on the dock. Under the charter of the London Dock Company the moment the goods were placed on the dock for any reason whatever the dock company became entitled to charge four shillings a ton as the consolidated dock rate.

Mr. RICHARDSON of Alabama. Does Mr. Choate ascribe the increase of trade at the port of London to the London dock charge?

Mr. GILBERT rose.

Mr. MANN. It was not Mr. Choate's place to make any statement one way or the other, and the gentleman from Alabama surely knows that Mr. Choate did not pass upon the matter one way or the other.

Mr. RICHARDSON of Alabama. Oh, the gentleman is mistaken. I have it here in my hand.

Mr. MANN. I will now yield to the gentleman from Kentucky.

Mr. GILBERT. The gentleman is making an intelligent and

interesting statement, but for my own information I want to ask why that rule should apply only to vessels coming from American ports?

Mr. MANN. I will reach that immediately. It became absolutely impossible to unload the goods from a ship carrying 14,000 tons of freight scattered indiscriminately throughout the hold of a vessel and consigned to 500 different consignees without landing them on the quay. As I say, under the London dock charter, the moment the goods were landed on the quay they became subject to a charge of 4 shillings a ton.

I do not mean to say that in every case the dock company exacted the charge of 4 shillings a ton the moment the goods were landed on the quay, but the shipowner became subject to a very high charge from the dock company. The shipowner was, of course, compelled to deliver free to the barges all of the goods which were called for within twenty-four hours, under the custom of the port. The shipowner could not, of course, tell what goods would be called for within the twenty-four hours and what would not be called for within that time. On the goods which were called for within twenty-four hours the shipowner was compelled to pay all the charges to the dock company. On the goods not called for within twenty-four hours all the shipowner was required to do under the custom of the port was to land the goods on the quay, when they became subject to the control of the dock company and the dock charges were paid by the consignee. In fact, up to 1890 the shipowner was not even permitted to do the work of landing the goods on the quay from the hold of the vessel except so far as that might be done by the men on board the vessel. Practically all the work of taking the goods out of the vessel and landing them on the quay was done, prior to 1890, by the dock company itself. Since 1891 it is done by the shipowner by making contracts with stevedores who handle the business.

As I have stated, the shipowner was compelled to stand the dock charges on all the goods which were landed on the quay and delivered to the barges, where the barges had reported alongside within twenty-four hours; and since the shipowner could not tell which goods would be called for within twenty-four hours, it became necessary to make the rate of freight high enough on all goods to cover the dock charges, even though as to a large portion of the goods the shipowner did not have to pay the dock charges at all. This made the rate of freight to London very high, and made the freight rates from our Atlantic ports to London so high that the greater portion of our shipments destined for London were made to Liverpool or Southampton to go across England by rail. This made both a higher freight rate and a longer delay than was desirable.

In November, 1884, there was a meeting of dealers interested in the provision trade in London which passed a resolution protesting against the delays and method of handling provisions at that port, and against the extra expense caused by the method of handling business there, and appointing a committee to confer with the dock and shipping companies on the subject of these grievances. This meeting expressed the sentiments of dealers in other articles in London. It was largely as a result of that meeting in 1884, or of the difficulties which inspired that meeting, that in 1888 the London landing clause was agreed upon. The shipowners interested in the carrying trade from this country to London saw that they were losing the carrying of much freight because of the unsatisfactory conditions in London in the method of delivery there, and they represented to the London Dock Company that if satisfactory arrangements could be made between the shipowners and the dock company, a very heavy increase in business could be expected between the North American ports and London.

The shipowners desired to have a reduction in the charges of the dock company. The dock company desired to have as much freight as possible landed on its docks. The shipowner desired also that the consignee might obtain a benefit of reduction in the freight rate as to those goods which were called for under the custom of the port, within twenty-four hours, and they desired that the time for bringing barges alongside might be extended and made considerably greater than twenty-four hours.

The result of these negotiations between the dock company and the interested shipowners was that they reached a basis of settlement upon terms like these: The dock charges should be very materially reduced to the shipowners. The shipowners themselves should pay the dock charges on all goods which were not turned over to the dock company by reason of failure to be called for in proper time. The consignees should have seventy-two hours instead of twenty-four hours in which to report alongside with their barges to receive the goods without additional dock charges. If the consignees reported with their barges within seventy-two hours then all the dock charges should be paid by the shipowners to the dock company, but the ordinary full rate should not be charged.

Here was a great concession on the part of the dock company to

both the shipowners and the consignees. The concession in return to the dock company was that all the goods which came in the ship should pay something toward the dock charge, irrespective of whether it was landed on the quay or not. Theretofore if goods were not landed on the quay the dock company received nothing as a charge against such goods, but under the agreement which was made, the dock company is to a certain extent the beneficiary of charges levied on all the goods which go into the ship.

The ordinary charge agreed upon was 7 pence for grain unloaded overside and 1 shilling and 9 pence on most of the articles which might be landed on the quay. The agreement between the shipowners and the dock company was that there should be inserted in all the bills of lading this provision, known as the London clause, which provides that the various consignees of all the goods shall pay this fixed charge. With the payment of this charge the consignees became entitled to take their goods away by barge, van, or rail if called for within seventy-two hours of report of the ship, without additional dock charge. This clause permits the shipowner to make a rate of freight to the American shipper based solely upon the carrying of the goods to the dock in London, while the goods still remain in the hold of the ship.

Under the old system the rate of freight had to include the consolidated dock charges for goods which remained uncalled for within twenty-four hours, although, as a matter of fact, the goods might be called for and there be no consolidated dock charge levied against the goods. Under the present clause all goods pay something, but the goods which are called for within seventy-two hours do not in any case pay a high charge. The goods which are called for within seventy-two hours under the London clause pay a total cost between the time of starting them in the ship on this side of the Atlantic and the time of putting them on the barge in the Thames, much less than they would under the old system without the London landing clause.

The London clause was designed to benefit the trade from North America. It was not a discrimination against, it was a discrimination in favor of, our side of the water as against the rest of the world.

Everybody knows that in the end the goods pay the freight. It is to our interest in this country, as well as to the interest of London, to have the total of the charges of transportation between the time of leaving here and the time of landing in the warehouse there as low as possible. And that system which makes the total charge lower is better than the system which makes a particular charge lower but makes the total higher, because in the end the goods must stand the charges.

Now, under the London landing clause, the charges which are paid by the big Atlantic transports to the dock company are less than the charges paid by ships coming from other parts of the world. The 1 shilling and 9 pence per ton charges to consignees is far less than the goods pay which come from other parts of the world. The moment a vessel from Australia or India or China enters the Thames River and unloads at the quay, the goods which they land have levied upon them by the dock company a higher charge than do the goods landed by the American freighter under the London landing clause.

Mr. TAWNEY. Will the gentleman allow me one moment?

Mr. MANN. Very well.

Mr. TAWNEY. Is it not a fact that the charge, whatever it is, is imposed by the law of Great Britain upon the shipowner and not upon the cargo?

Mr. MANN. If the gentleman had contained his soul in patience he knows that I would not have finished my speech without answering that question.

Mr. TAWNEY. I thought you might forget it.

Mr. MANN. The gentleman from Minnesota says that if the goods come from Australia the shipowner pays the dock charges, but if the goods come from the United States, then, under the London landing clause, the consignee pays these charges. The gentleman looks no further than the end of his well-proportioned nose. In the end the goods pay the charges. Does the gentleman from Minnesota, or any other gentleman here, believe that the cost of carrying freight from Australia will be made lower or higher because the shipowner pays the dock charges instead of the consignee paying them?

Does any gentleman here believe, as contended for by the gentleman from Minnesota, that the total carrying expense will be made less by having the shipowner pay a higher dock charge than is now paid by the consignee? Some gentlemen may say: But why will the shipowner be compelled to pay any higher charge than the consignee does now? The London Dock Company is a monopoly. It has absolutely refused, as stated in the sworn testimony before us, to make any agreement with the Atlantic freight lines, giving the present low dock charges, unless the London landing clause is inserted in the bills of lading.

The elimination of the London clause from the bills of lading

would result in increased dock charges to be paid to the dock company by some one, and that means to be paid by the goods, and eventually that increased charge would fall either upon the consumer or purchaser, or upon both. Now, the custom of the port of London, as I have stated, is that the barge must meet the ship and be ready to take delivery of the goods within twenty-four hours after report of the vessel, in order for the consignee to escape the payment of the dock charges when the London clause is not inserted. The able gentleman from Minnesota [Mr. TAWNEY], in his argument a while ago, stated that it was not necessary to have the barge alongside the ship within twenty-four hours; but in that respect he differs with some of his own witnesses, who state that it is necessary.

In the statement made by Mr. Kingsford, president of the London Flour Trade Association, which is attached to the report of Ambassador Choate and presented to the committee by the advocates of the bill, it is stated on page 80 of the hearings:

It should be mentioned that if the merchant's barge is not alongside the ship within twenty-four hours from the date of the vessel's report, the right of obtaining free delivery is forfeited, and the dock company have the right to levy their quay dues upon the scale charged to the merchant, a right which in all circumstances is rigidly enforced.

Ambassador Choate, in his report upon the subject, makes the same statement. Some of the witnesses in behalf of the advocates of the bill have claimed that the consignee needed only to make entry of the goods at the custom-house and demand delivery within twenty-four hours, and need not have the barges alongside the ship. But Mr. McKelvey, one of the principal witnesses for the advocates of the bill, in his testimony before the committee (p. 65 of the hearings), stated that except for the agreement between the shipowners and the dock company in regard to the London landing clause the dock charge of 4 shillings a ton would attach against the goods the moment the goods are landed on the dock.

It is practically impossible for consignees either to have the barge alongside the incoming ship or to make entry of the goods and demand delivery thereof within twenty-four hours of the report of the ship in a large percentage of cases. The gentleman from Minnesota, in his statement to the House, said that it took from twenty-four to thirty-six hours after the report of the ship before she got to the dock.

Mr. TAWNEY. From eight to eighteen hours.

Mr. MANN. Now, Mr. Speaker, this clause was put in the bill of lading because it is absolutely necessary to land the goods on the quay in order that they may be assorted and delivered, or else necessary to keep the ship in the stream or the dock from one to three weeks assorting the goods on the deck of the ship.

Gentlemen speak of this clause as if it were a matter purely in the interest of the shipowners. I think, Mr. Speaker, that it is as much in the interest of the shipper to have low transportation charges as it is to the interest of the shipowner. Under the operation of the London clause we get lower freight rates between this country and London than does any other part of the world. Why? Because we can build great big ships of 12,000 tons burden. We send them across the water to the Tillbury docks on the Thames. They can be unloaded onto the quay at once, loaded immediately, and start back without waiting either in the stream or the docks for barges to obtain the delivery of the goods overside. If the London clause were abolished these ships would either be compelled to spend days or weeks in the docks making delivery overside or else pay exorbitant charges to the dock company for the privilege of landing the goods on the quay. Either way would make a considerable increase in the total cost of transportation.

At the time of the hearings before us last winter the freight rate from Australia was 30 shillings a ton on the same class of goods which from New York to London paid less than 8 shillings per ton. This difference is not warranted by the difference in distance. How do my friends on the opposite side explain this difference in freight rates? There is no London landing clause in the Australian shipment. Why does not the trade from there vastly increase if the theory of my friends on the other side is correct?

No, Mr. Speaker, the fact is that the London clause saves somebody, whether the shipper, the consignee, or the shipowner, from paying a much heavier and exorbitant dock charge for the right to land the freight on the quay. What difference does it make in the long run whether the immediate payment to the dock company is made by the shipowner or the consignee? The amount is increased. In the end the increased cost falls upon the goods.

Now, I have no doubt that some of the milling people believe that the abolition of the London clause would be of advantage to them. One of their chief witnesses before our committee stated that one of the reasons the millers wanted the London clause abolished was because the abolition of it would give a preference to the flour shipper over the wheat shipper. I do not know how that may be, but there have been no grain dealers asking for the abolition of the London clause.

Mr. FLEMING. Will the gentleman permit a question for information?

Mr. MANN. Very gladly.

Mr. FLEMING. Can the gentleman give the House any statistics or figures as to what proportion of the freight cargo of an average vessel is taken off that dock within the twenty-four hours' limit?

Mr. MANN. Practically not any of it is taken off within the twenty-four-hour limit.

Mr. FLEMING. Then it is all subject to the dock charge, is it not?

Mr. MANN. Under the London clause all of the freight is subject to the charge provided for in that clause whether it is taken off within the twenty-four hours or not. The moment any of the freight is landed on the dock without the London clause it becomes subject to a dock charge, though, under the custom of the port, if it is called for in compliance with the custom within twenty-four hours, that charge is paid not by the consignee but by the shipowner. But the steamers from this country do not lie in the dock to discharge freight overside at all, except grain, which is taken out by the usual process of floating elevators, and grain pays a special charge under the London clause of 7 pence a ton. All of the rest of the freight is unloaded onto the quay for assortment on the quay or in the sheds back of the quay and delivery after assortment.

Now, the gentleman from Minnesota claims that if the London clause were abolished the consignees would be permitted to obtain their freight free of dock charges if called for within twenty-four hours after the assortment of the goods irrespective of whether their barges were alongside or they had made entry within twenty-four hours of the report of the vessel. I deny this. The gentleman from Minnesota is mistaken. He has cited here a provision of the act of Parliament of 1894. I may say that is not a new provision of law. The act of 1894, as to this provision, was a reenactment of the act of 1862, and that was a reenactment of the act of 1854, so that there is nothing new in this provision of the act of 1894. The act of 1894 provides in effect that if the consignee has his barge alongside the ship and is ready and willing to take delivery of the goods off the ship within twenty-four hours after her report, and the shipowners, instead of delivering the goods overside, choose to place them on the quay, that that must be at the expense of the shipowners; but mark you, that requires the consignee to have his barge down at the Tillbury docks, 14 miles from London, within twenty-four hours of the date of report of the ship, and keep his barge at that place until he receives the goods, which may not be for several days, and which, according to the gentleman from Minnesota [Mr. TAWNEY], is sometimes not for three weeks.

Mr. TAWNEY. The statute itself is the best evidence of what it contains.

Mr. MANN. I will call the attention of the gentleman from Minnesota to a provision in the statute which probably his usually very keen eye has not yet discovered. The provision of the statute to which he refers says—

and the owner of the goods, at the time of that landing, has made entry and is ready and offers to take delivery thereof.

That means the barge alongside. But the gentleman has not read the statute clear through. That is his difficulty.

Mr. TAWNEY. Read the first two lines of that same paragraph and the gentleman will see that it does not apply to overside delivery at all.

Mr. MANN. Well, I was not applying it to overside delivery. I was applying it to landing the goods on the quay.

The section reads:

If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of that landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, the goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within twenty-four hours after assortment, and the expense of and consequent upon that landing and assortment shall be borne by the shipowner.

That means a barge alongside. The section of the statute which I have read very nearly states the custom of the port of London, but this provision of the statute itself has no application to the port of London. The difficulty with the gentleman from Minnesota is that he has seen something brilliant and picked it up and taken it home in the fond belief that it is pure gold, but he will now find it was only quartz.

The act of 1894 is known as the consolidated merchants' act. Section 501 of that act is as follows:

Nothing in this part of this act shall take away or abridge any powers given by any local act to any harbor authority, body corporate, or persons, whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this part of this act take away or diminish any rights or remedies given to any shipowner or wharfinger or warehouseman by any local act.

Now, it is claimed by the shipowners that this provision of the statute absolutely excepts the port of London from the provision relied upon by the gentleman from Minnesota. London has a special charter for the dock company, and under that charter it has special provisions designed to expedite the discharge of ships and the landing and delivery of goods, and also certain rights conferred upon shipowners, etc.

All the testimony in this case given by residents of London is to the effect that under the London local custom and law it is necessary to have the barge alongside within twenty-four hours of report of the vessel, and that the provision of the statute which the gentleman from Minnesota relies upon does not, therefore, apply to the port of London.

The advocates of this bill have given the impression that the charge made under the London clause was simply for the landing of the goods upon the dock, but the charge includes much more than that. First, it includes seventy-two hours' time instead of twenty-four in which to make entry and demand delivery of the goods. Upon the subject of what this charge was for, Ambassador Choate, in his report upon this matter, states:

The 1 shilling 9 pence charge which is the subject of the present contention is made not for discharging the goods from the ship onto the quay, which is still borne by the steamship companies and is a heavy cost, but for the accommodation, shelter, and care of the goods upon the quay and for all the labor done upon them from the moment they touch the quay until they are delivered to the barges, including sorting, piling, and removing.

I might add, on the matter of removal, that under the London clause shipowners not only put the goods upon the dock, assort them, and take care of them, but deliver them from the dock to the side of the barge when called for.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Speaker, I would like to have at least ten minutes more, and I ask the gentleman from New York if he will yield me that much time?

Mr. SHERMAN. I yield to the gentleman from Illinois ten minutes more.

Mr. MANN. Mr. Speaker, I have asked this additional ten minutes' time because the gentleman from Minnesota [Mr. TAWNEY] read to the House a petition from the export provision trade of the city of Chicago. I may say to the House that that was a petition which I presented here myself and laid before the Committee on Interstate and Foreign Commerce. It was a petition strongly urging the passage of this bill. But when I presented that petition I had been sitting in the committee room listening to the hearings upon this bill, and had about come to the conclusion that it was to the interest of the American shipper to have the London landing clause remain in the bill of lading rather than to have it taken out; and although I had this petition presented to me, signed by such houses as Armour & Co., Swift & Co., Libby, McNeill & Libby, and other exporting companies, including the largest exporters in the provision trade in our country, I questioned to myself their judgment as to the bill, and I requested some of the gentlemen who had signed the petition to make a reinvestigation of the subject which so concerned the American export trade and then inform me, after their reinvestigation, what their new judgment was. I expected to be largely guided in my action upon this bill by the judgment of the actual exporters of goods from this country to London.

I have here letters and telegrams addressed to me from nearly all of the gentlemen who signed the petition which my friend from Minnesota has read to the House, and I will read these to the House for information. Here is one from the attorneys for Swift & Co. and Libby, McNeill & Libby:

Swift & Co., by its second vice-president, Mr. Louis F. Swift, and Libby, McNeill & Libby by its general counsel, Albert H. Veeder, signed a petition addressed to the Committee on Commerce of the United States Senate, dated February 13, 1901, and which was in support of an amendment to the Harter Act, now generally known as the London landing clause bill, and which amendment has, we understand, passed the Senate and is now before the House and will be up to-morrow. This petition was signed by these companies before they had given the matter due consideration, and they have now become convinced, after careful investigation, that the passage of the bill will be detrimental to their interests, and we wish that you would have the names of these companies stricken from the petition, or take such action as will indicate that these companies are not in favor of the amendment.

Sincerely, yours,

ALBERT H. & HENRY VEEDER.

Under date of February 13, 1902, we signed a petition, and used our influence with other packers for their signatures to the same, addressed to the Committee on Commerce of the United States Senate, in which we favored legislation, now pending before Congress, for an amendment to the Harter Act, which we believe is commonly known as the London landing clause bill.

Since that time we have investigated and have obtained further information on the subject, and are now of the opinion that the passage of this amendment to the Harter Act would cause a reversion to a very antiquated and unsatisfactory state of affairs with reference to the discharge of cargo at London, and possibly at other ports.

In changing our position on this legislation, it is because we feel that our interests and those of the general shipping trade of the United States would be injured rather than benefited by this legislation.

We ask your very careful consideration of this matter, and hope you will

see fit to use your influence in opposing the measure, which we understand is still pending in the House.

Yours, respectfully,

BOYD, LUNHAM & CO.  
HENRY ZEISS.

Here is a telegram from another of the petitioners:

We consider passage amended Harter Act would be very injurious our export trade, and earnestly request your effort to defeat same.

FRIEDMAN MANUFACTURING CO.

Here is another from Armour & Co.:

Having given the subject covered by the bill known as the "London clause" bill, which passed the Senate during the first session of the present Congress, and which will come before the House during the ensuing session, considerable investigation, we feel that we should advise you that we desire to withdraw our name from the petition in its favor heretofore presented.

We believe from information that have been claimed for the proposed change in bills of lading would be more than offset by the unsatisfactory service necessarily incident to new conditions, and in view of this we do not, ourselves, wish to further advocate any change from the existing custom.

Regretting that we are obliged to recede from a position in which we solicited your valuable aid, and thanking you for the assistance then afforded by you, we are,

Yours, truly,

ARMOUR & CO.

Here is another to the same effect from another one of the petitioners, A. S. White & Co., in which they say:

Our consignees have made no complaints, and the existing charges at the port of London, in comparison with other ports, are very fair, etc.

I have various other telegrams and letters here from other of the petitioners which I will not take time to read, but they are all of the same import.

I wish to call the attention of the House, however, to a letter from one of the principal exporting and importing agents in the United States—George W. Sheldon & Co.—men who do not export or import on their own account, but act only as agents, and hence are interested only in favor of the people whose agency they accept. There is no one in the country whose considered judgment I would more readily accept upon a subject relating to exports or imports than this firm. Their letter is as follows:

We are the shipping agents for a large number of manufacturers who are shipping their products to London, and having our own offices in London come in direct contact with the delivery of the goods at destination and the charges incident thereto. Franklin's testimony in connection with London dock charges is in exact accord with the facts under present conditions, and clearly sets forth what will happen if the proposed law in connection therewith is enacted. We are personally acquainted with the dock officials in London and had personal conference with them there in November, and we know they will hail with much satisfaction the enactment of the proposed legislation. On behalf, therefore, of hundreds of exporters whom we represent we most vigorously protest against the enactment of a law which will increase the present cost of delivery of goods in London.

We are the largest shippers in the United States from New York to London of manufactured goods, and are therefore in a position to state that if the proposed legislation is enacted, our customers, who number hundreds, will pay annually to the London and India Dock Company thousands of dollars, which they will not have to pay if this proposed legislation is defeated.

At our London office we are in daily, in fact we may say in hourly contact, with the London and India Dock Company, and we are therefore able to make our statements positive, and to ask you to lend your assistance to defeat a measure which would put into the pockets of the Britishers thousands of dollars per annum, which, if it occurs, must of a necessity be contributed by the manufacturers of this country.

In the interest, therefore, of the exporting industries of the United States, we implore you to use every possible effort to defeat the measure.

Yours truly,

G. W. SHELDON & CO.

Mr. Speaker, in 1891 some ships were sent from Chicago through to the port of London. The gentleman who organized the company is one of the principal grain exporters of Chicago, Mr. Charles Counselman. His theoretical experience led him to believe with the advocates of this bill. It was stated by one of the witnesses in his testimony that Mr. Counselman did not insert the London landing clause in his bill of lading. When my attention was called to this statement I thought that here was an opportunity to get at some real experience, and I wired to Mr. Counselman asking him to state his experience in the matter. Here is the reply, which was sent to a good many members of the House at the same time:

Before loading steamers last year Chicago London I considered the landing clause for manipulating cargo on dock in London after discharging from steamers obnoxious, and proposed not inserting same in bills of lading, but after steamers arrived there found it impracticable attempt handle steamers and cargo without such conditions; therefore consider passage of Tawney bill would be very disadvantageous to shippers and the export trade of the United States, as well as steamship owners.

Mr. Speaker, I am sorry to have detained the House so long upon such a dry subject, and beg to thank the members for their considerate attention. [Applause.]

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Pennsylvania fifteen minutes.

Mr. DALZELL. Mr. Speaker, this bill has been so thoroughly discussed upon the side of its opponents that I should hesitate to say anything about it did I not desire to call the attention of the House to some matters that have not been referred to. The gentleman who opened the debate said that there was nothing new in the policy of this bill, that it was simply an amendment to the Harter Act. It seems to me that an examination of the

bill discloses the fact that there is no similarity at all between the Harter Act and its provisions.

The Harter Act provides that it shall not be lawful for a common carrier to insert in a bill of lading an agreement that relieves him from the performance of his common-law obligations; in other words, an agreement that secures him against the payment of damages for acts which are the results of his own negligence. The Harter Act simply enforces by statute the obligation of the common carrier that existed by the common law. This proposes, on the other hand, to make that unlawful and punishable which is now lawful. The language of the bill is:

That it shall not be lawful for the manager, agent, master, or owner of any vessel transporting merchandise or property from or between ports of the United States and foreign ports to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby there is imposed on any such merchandise or property, or on the consignee or consignees thereof, the payment of any port, harbor, dock, landing, or sorting charges, or charges of any kind for the discharge and delivery thereof, the payment of which is imposed on the manager, agent, master, or owner, or any persons or agencies other than the consignee or consignees thereof, by the laws, statutes, or customs of the foreign country or countries to which such merchandise or property shall be transported, etc.

In other words, this is a proposition to make it unlawful to enter into a contract that is now lawful though the parties thereto be competent and willing. It is therefore, in my judgment, an unconstitutional limitation of the right of private contract.

Now, the only answer made to that is the answer made by the gentleman from Alabama, who cites to us the decision of the Supreme Court in the case of a common carrier which had put into its bills of lading a condition which the shipper had to accept upon the alternative of not shipping his goods.

But that is not this case. It appears that the contract sought to be inhibited has been voluntarily entered into for fourteen years by shippers of merchandise to the port of London by these North Atlantic steamships, and of all these shippers, thousands of them, who have entered into that contract, only a very few citizens of Minnesota say that the contract is an unfair one.

Mr. RICHARDSON of Alabama. Will the gentleman allow me to ask him a question?

Mr. DALZELL. Certainly.

Mr. RICHARDSON of Alabama. Is it not a fact that since 1888 the millers and lumber interests have been protesting against this?

Mr. DALZELL. I have read this record thoroughly, and I am unable to find any protest or anything to contradict the statement I have made—that thousands of shippers of merchandise have voluntarily entered into this engagement and are still willing to enter into it.

In other words, of all the thousands of shippers engaged in the export of goods from the various ports of the United States only a few—only the shippers of flour—are now here asking us to declare that it shall be unlawful for the great majority of shippers to make this contract, though they are perfectly willing to enter into it. Without dwelling further on that proposition, I submit that this is an unconstitutional limitation of the right of private contract.

But, furthermore, this is not such a bill as its advocates have discussed. How many gentlemen are there in this House, I ask, who understand that this is not a bill that relates simply to the port of London? I know that the argument has been made by all its advocates that this is a bill that relates only to the port of London. But where, I ask my friend, do you find within the four corners of the bill anything that justifies that assertion? It relates not to the port of London alone, but to every port in the United States and to every port in the world, civilized and uncivilized, between which ports ships go.

Mr. TAWNEY. Provided the law of the country to which the goods are shipped imposes these charges.

Mr. DALZELL. I am coming to that in a moment. It relates to the transportation of merchandise or property between the ports of the United States and foreign ports, and beyond that there is no limitation in it. It is not confined to London or to any other port in the world. But more than that, it does not refer to London customs, London dock charges, or any particular charges whatever. It relates to the payment of any port charges, harbor charges, dock charges, landing or sorting charges, charges of any kind for discharge or delivery in any port of the world.

Mr. SHACKLEFORD. Will the gentleman allow me a question? Is not the bill better for that? If it does include all these other places besides London, is it not better for that reason? Does it not on a larger scale prevent people from entering into contracts that are injurious?

Mr. DALZELL. It extends to every port in the world and to all the various kinds of charges mentioned here—port charges, and others—and it denies to the American carrier the right to reimburse himself for such various charges in every part of the world; and they are probably as varied and as many as there are ports in the world.

Mr. TAWNEY. Now, if the gentleman will allow me, I do not think he wants to misstate the facts.

Mr. DALZELL. I can not yield; my time is limited.

Mr. TAWNEY. The qualification is ports where, by the law of the country, these charges are imposed on the steamship company, and it is only to those ports that this bill applies.

Mr. DALZELL. Very well. Then it refers to every port in the civilized and uncivilized world the government of which may see fit to impose on the American shipowner a charge that ought to be paid by the consignee, and that London is the only port in the world where that is done or may be done, we have no information.

Suppose, for example, a case where the port charge for entry or any other of these named charges should be equal to the whole amount of the freight received by the American carrier, this bill denies him the right in such case to reimburse himself for that charge in addition to his freight, for, as I have said, it includes all charges of every possible kind. So that this bill, instead of being a bill for a special case, as has been argued, is a general bill, and the result of its passage no man living can foresee. If the bill be such as its advocates contend, then it is an attempt under the guise of general legislation to enact special legislation of the most dangerous character. It is the most dangerous piece of legislation, in my judgment, that has come under my observation since I have been a member of this House.

Now, Mr. Speaker, I have not time to dilate further on that proposition, and I have not the time, as I expected to have, to go into the reasons why it is fair to impose these charges on the consignees. By reason of an ancient custom of London, and by reason of a Parliamentary statute of England, it has been made impossible to transact modern commercial business in the port of London according to modern methods. It is a fair deduction from a decision of the high court of justice of England that the only way by which the trammels that by English custom and law are put upon the transaction of modern business according to modern methods in the port of London can be avoided is by making just such a contract as is made here.

I quote from the report of our ambassador to the Court of St. James, Mr. Choate, made to the State Department:

In 1891, after the rate of this dock charge on flour had been advanced to 1s. 6d. per ton, Borrowman, Phillips & Co., London merchants, consignees of flour under one of these bills of lading, wishing to contest it, brought suit against the Wilson Line in the high court of justice, Queen's Bench division, to recover the 1s. 6d. paid under protest, after an offer to take the goods overboard by lighter. The case was tried before two eminent judges, Mr. Justice Day and Mr. Justice Lawrence, and judgment was given against the plaintiff.

In the opinion of the court, delivered by Mr. Justice Day, it was held that although there was no doubt that by the custom of the port of London the owner of goods is entitled, if he makes application within twenty-four hours, to have his goods delivered into lighters, yet this right was subject to special agreement, and here the parties had otherwise agreed.

In answer to the claim of the same right by statute, he said: "If you can contract yourself out of the common law—i. e., customary right—so also you can contract yourself out of the statute law;" and he held that the plaintiffs had done so, and that it was perfectly clear that the plaintiffs could not recover.

The learned judge who rendered the opinion said:

The "London clause" has been entered into, it is stated, by shipowners and merchants in London for the purpose of expediting business. It contains most reasonable provisions which are almost necessary for the conduct of commercial business in these times, and when one finds immense vessels coming into the port of London, it is ridiculous to have applicable to such vessels and to such cargoes the old custom of the port of London, which was no doubt very applicable to small vessels containing very limited cargoes indeed.

If the shipowner had entered into this contract for the purpose merely of pecuniary benefit, he would have been entitled to the benefit of the contract. It is quite clear, however, that it is not merely for pecuniary benefit, but that it is to the interest of all parties concerned that their goods should be delivered in the most convenient manner, and so as to enable them always to get their goods within the shortest possible time.

It is conceded by the advocates of this measure—and therein, as it seems to me, they give away their whole case—that the consignees might still be compelled to pay these charges if the carrier would include them in his freight, but it is said that if included in the freight an opportunity for competition would be given that does not now exist.

Why, sir, there could be no more unfounded statement. Opportunity for competition exists now. Suppose, for example, that under the present method A, B, C, and D are steamship companies carrying goods to London. Each and every one of them has a London dock clause in its bill of lading. There is nothing to prevent A saying, "B carries your freight at 8 cents a ton to London; we will carry it at 7 cents a ton, or at 6 cents a ton." So you see that competition is as fully open to-day under this method of doing business as it would be if the charges were included in the freight rates.

Now, just one word more. This method of doing business conforms business methods at London to the business as it is done in all the ports of Great Britain. The simple difference is that the result is accomplished at London through the medium of this agreement, whereas in the other ports it is accomplished through the medium of a statute of Parliament.

The same charges that are paid by the consignees at London under the contract made with the shipowners are paid by the consignees at Glasgow, Liverpool, Southampton, and Bristol, by reason of Parliamentary statutes which regulate the whole business. So that, in a single word, the effect of this agreement is to strike down the antiquated methods of doing business in the port of London in the interest of the American shippers and to make them conform to modern methods. Pass this bill, and you pass a bill in the interest of the foreign consignee and against the American exporter and the American shipowner.

Mr. SHERMAN. Will the gentleman from Minnesota [Mr. TAWNEY] now occupy some portion of his time?

Mr. TAWNEY. Mr. Speaker, how much time has the affirmative side?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Minnesota [Mr. TAWNEY] has thirty-five minutes; and the gentleman from New York [Mr. SHERMAN] fifteen minutes.

Mr. TAWNEY. The gentleman from Missouri [Mr. SHACKLEFORD] desires to close the debate, he being a member of the Committee on Interstate and Foreign Commerce. I said at the outset that I intended to ask for the substitution of the Senate bill for the House bill, the Senate bill having passed that body and having been reported to the House. I desire now to make that motion. I do not want to interrupt the debate. I wish to ask the Chair whether, under the rules, if that motion is made at 25 minutes past 4 o'clock, time will be given for the disposition of the question before the final vote on the bill, or whether the final vote would interrupt the proceedings for the substitution of the Senate bill?

The SPEAKER pro tempore. Under the special order of the House the vote is to be taken at half past 4 o'clock.

Mr. TAWNEY. My inquiry of the Chair is whether, if the motion to substitute the Senate bill for the House bill should not be disposed of at half past 4 o'clock, the vote would be taken at once on the bill, or whether the proceedings for substitution would be concluded?

Mr. MANN. Is it not the order that at half past 4 the vote is to be taken on the pending motion?

The SPEAKER pro tempore. In the judgment of the Chair, the vote under the order of the House is to be taken at half past 4 upon whatever may be pending at that time. In the order there is no mention made of amendments, but evidently, if amendments were offered, they would be in order and would be voted upon at half past 4.

Mr. MANN. The order was not to take the vote on the bill at half past 4, but to take "the vote" at half past 4.

Mr. TAWNEY. I will then ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill, and that that bill be substituted for the House bill, and the final vote taken upon the House bill.

Mr. SHERMAN. To that, Mr. Speaker, I object.

Mr. TAWNEY. Then, Mr. Speaker, I move that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of Senate bill 1792 and that the Senate bill be substituted for the House bill.

Mr. SHERMAN. Mr. Speaker, do I understand the gentleman from Minnesota makes that motion now, or gives notice that he intends to make it?

Mr. TAWNEY. I make the motion now, and ask that it be considered as pending during the remainder of the debate.

Mr. SHERMAN. Well, Mr. Speaker, I desire to make a motion which has precedence over that. I move to strike out the enacting clause of the bill.

Mr. TAWNEY. And that it be understood that that motion is pending?

Mr. SHERMAN. If the gentleman makes this motion now, I desire my motion to be acted upon, as it takes precedence of his. Further, I raise the point of order on the gentleman's motion to substitute the Senate bill for the House bill. No such motion can be made until the Senate bill is either on the Speaker's table or in possession of the House. It is now in the possession of the Committee on Interstate and Foreign Commerce, and I raise the point of order.

Mr. TAWNEY. Then I move that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill.

The SPEAKER pro tempore. Does the gentleman desire his motion put now?

Mr. TAWNEY. Yes.

Mr. SHERMAN. Then I move to strike out the enacting clause of the pending bill.

Mr. HEPBURN. Mr. Speaker, I desire to interpose a point of order against the motion that the gentleman from Minnesota makes. It is not competent at this time to move that question, in my judgment.

The SPEAKER pro tempore. The Chair will pass on the point

of order when the proper time comes. The motion of the gentleman from New York takes precedence. The gentleman from New York moves to strike out the enacting clause of the pending bill.

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from New York if he will not consider both motions as pending and proceed with the remainder of the debate?

Mr. MANN. Mr. Speaker, I make the point of order on both motions that the order of the House is that a vote shall be taken at half past 4, and that debate should continue until that time.

Mr. SHERMAN. There is nothing in the order with reference to debate, if I remember correctly.

The SPEAKER pro tempore. There is nothing to prevent the House taking any action it sees fit.

Mr. MANN. Is it within the province of the House now to change the unanimous-consent order?

Mr. TAWNEY. Certainly.

The SPEAKER pro tempore. The Chair thinks so. Does the gentleman from New York insist on his motion?

Mr. SHERMAN. I think we may as well dispose of it now, inasmuch as we have it up. I believe the House is ready.

The SPEAKER pro tempore. The gentleman from New York moves to strike out the enacting clause of the pending bill.

Mr. TAWNEY. Mr. Speaker, is that debatable?

The SPEAKER pro tempore. The Chair would state that it is not. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 92, noes 87.

Mr. TAWNEY and Mr. MORRIS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 132, answered "present" 3, not voting 83; as follows:

## YEAS—137.

Acheson,  
Adams,  
Adamson,  
Babcock,  
Ball, Del.  
Ball, Tex.  
Bell,  
Bellamy,  
Bingham,  
Blackburn,  
Boreing,  
Bowie,  
Brandegge,  
Bristow,  
Broussard,  
Brownlow,  
Bull,  
Burgess,  
Burk, Pa.  
Burleson,  
Butler, Mo.  
Butler, Pa.  
Candler,  
Capron,  
Cassel,  
Cooper, Tex.  
Currier,  
Dalzell,  
Davis, Fla.  
Dayton,  
Deemer,  
Draper,  
Driscoll,  
Dwight,  
Emerson,

Evans,  
Feely,  
Fleming,  
Foss,  
Foster, Vt.  
Fowler,  
Gardner, Mass.  
Gardner, N. J.  
Gillett, N. Y.  
Gillett, Mass.  
Glass,  
Glenn,  
Gordon,  
Graham,  
Green, Pa.  
Greene, Mass.  
Haskins,  
Hay,  
Hedge,  
Henry, Conn.  
Henry, Miss.  
Henry, Tex.  
Hepburn,  
Hill,  
Hitt,  
Hopkins,  
Howard,  
Howell,  
Hull,  
Irwin,  
Jack,  
Jones, Va.  
Kern,  
Ketcham,  
Knapp,

Kyle,  
Lacey,  
Landis,  
Lawrence,  
Lester,  
Lewis, Pa.  
Lindsay,  
Littauer,  
Livingston,  
Loud,  
Loudenslager,  
McAndrews,  
McCall,  
McClellan,  
McLachlan,  
McLain,  
Mahon,  
Mahoney,  
Mann,  
Mercer,  
Metcalf,  
Meyer, La.  
Mickey,  
Miers, Ind.  
Moody, N. C.  
Moody, Oreg.  
Mudd,  
Mutchler,  
Nevin,  
Norton,  
Overstreet,  
Parker,  
Payne,  
Pearre,  
Perkins,

Powers, Me.  
Prince,  
Ransdell, La.  
Reeves,  
Roberts,  
Russell,  
Schirm,  
Shattuc,  
Sheppard,  
Sherman,  
Showalter,  
Sibley,  
Smith, Ill.  
Sparkman,  
Sperry,  
Spight,  
Steele,  
Storm,  
Sulloway,  
Swann,  
Taylor, Ohio  
Tirrell,  
Tongue,  
Van Voorhis,  
Vreeland,  
Wachter,  
Wadsworth,  
Wanger,  
Warnock,  
Watson,  
Williams, Miss.  
Young.

## NAYS—132.

Alexander,  
Allen, Ky.  
Aplin,  
Barney,  
Bartholdt,  
Bartlett,  
Beidler,  
Benton,  
Billmeyer,  
Bishop,  
Bowersock,  
Brantley,  
Breazeale,  
Brown,  
Brundidge,  
Burkett,  
Burnett,  
Caldwell,  
Cannon,  
Clark,  
Clayton,  
Cochran,  
Conner,  
Cooney,  
Cooper, Wis.  
Corliss,  
Cowherd,  
Cromer,  
Crowley,  
Crumpacker,  
Cushman,  
Darragh,  
Dick,

Dougherty,  
Douglas,  
Dovener,  
Eddy,  
Elliott,  
Esch,  
Finley,  
Fitzgerald,  
Fletcher,  
Fox,  
Gaines, Tenn.  
Gardner, Mich.  
Gibson,  
Gilbert,  
Gooch,  
Graff,  
Griffith,  
Haugen,  
Hemenway,  
Hildebrandt,  
Holliday,  
Jenkins,  
Jett,  
Johnson,  
Jones, Wash.  
Joy,  
Kitchin, Claude  
Kitchin, Wm. W.  
Kluttz,  
Lamb,  
Lanham,  
Latimer,  
Lessler,

Lever,  
Lewis, Ga.  
Little,  
Lloyd,  
Lovering,  
McCleary,  
McCulloch,  
Marshall,  
Martin,  
Maynard,  
Miller,  
Minor,  
Moon,  
Morris,  
Needham,  
Otjen,  
Padgett,  
Patterson, Tenn.  
Pierce,  
Pou,  
Powers, Mass.  
Randell, Tex.  
Reeder,  
Rhea,  
Richardson, Ala.  
Richardson, Tenn.  
Robb,  
Robinson, Ind.  
Rucker,  
Ryan,  
Scarborough,  
Scott,

Selby,  
Shackelford,  
Shaffroth,  
Shallenberger,  
Sims,  
Skiles,  
Smith, Iowa  
Smith, Ky.  
Smith, H. C.  
Smith, S. W.  
Smith, Wm. Alden  
Snodgrass,  
Snook,  
Southard,  
Stark,  
Stephens, Tex.  
Stevens, Minn.  
Stewart, N. J.  
Sutherland,  
Tate,  
Tawney,  
Taylor, Ala.  
Thomas, Iowa  
Thomas, N. C.  
Trimble,  
Underwood,  
Vandiver,  
Warner,  
Weeks,  
Wheeler,  
Wiley,  
Williams, Ill.  
Zenor.

## ANSWERED "PRESENT"—3.

Coombs,

Griggs,

Kehoe.

## NOT VOTING—83.

Allen, Me.

De Armond,

Knox,

Rumple,

Bankhead,

Dinsmore,

Lassiter,

Ruppert,

Bates,

Edwards,

Littlefield,

Shelden,

Belmont,

Flood,

Long,

Slayden,

Blakeney,

Foerderer,

McDermott,

Small,

Boutell,

Fordney,

McRae,

Southwick,

Brick,

Foster, Ill.

Maddox,

Stewart, N. Y.

Bromwell,

Gaines, W. Va.

Mondell,

Sulzer,

Burke, S. Dak.

Gill,

Morgan,

Swann,

Burleigh,

Goldfogle,

Morrell,

Swanson,

Cassingham,

Grosvenor,

Moss,

Talbert,

Connell,

Hamilton,

Naphen,

Thayer,

Conry,

Heatwole,

Newlands,

Thompson,

Cousins,

Hooker,

Olmsted,

Tompkins, N. Y.

Creamer,

Hughes,

Palmer,

White,

Curtis,

Jackson, Kans.

Patterson, Pa.

Wilson,

Dahle,

Jackson, Md.

Pugsley,

Woods,

Davey, La.

Kahn,

Reid,

Wooten,

Davidson,

Kleberg,

Robertson, Ia.

Wright.

So the motion to strike out the enacting clause was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. COOMBS with Mr. DAVEY of Louisiana.

Mr. KAHN with Mr. BELMONT.

Until further notice:

Mr. BURLEIGH with Mr. GRIFFITH.

Mr. RUMPLE with Mr. ROBINSON of Nebraska.

Mr. LONG with Mr. NEWLANDS.

Mr. FORDNEY with Mr. KLEBERG.

Mr. KNOX with Mr. NEVILLE.

Mr. BOUTELL with Mr. GRIGGS.

For this day:

Mr. JACKSON of Maryland with Mr. FOSTER of Illinois.

Mr. ALLEN of Maine with Mr. REID.

Mr. WRIGHT with Mr. FLOOD.

Mr. CALDERHEAD with Mr. BANKHEAD.

Mr. BURTON with Mr. DINSMORE.

Mr. BATES with Mr. CONRY.

Mr. BRICK with Mr. CREAMER.

Mr. COUSINS with Mr. EDWARDS.

Mr. GAINES of West Virginia with Mr. GOLDFOGLE.

Mr. GILL with Mr. HOOKER.

Mr. GROW with Mr. JACKSON of Kansas.

Mr. HAMILTON with Mr. McDERMOTT.

Mr. HANBURY with Mr. LASSITER.

Mr. LITTLEFIELD with Mr. NAPHEN.

Mr. HUGHES with Mr. PUGSLEY.

Mr. MORGAN with Mr. SLAYDEN.

Mr. SHELLEN with Mr. SULZER.

Mr. SOUTHWICK with Mr. SWANSON.

Mr. STEWART of New York with Mr. WILSON.

Mr. TOMPKINS of Ohio with Mr. WHITE.

Mr. PATTERSON of Pennsylvania with Mr. THAYER.

Mr. CONNELL with Mr. DE ARMOND.

Mr. OLMSTED with Mr. ROBERTSON of Louisiana.

Mr. TOMPKINS of New York with Mr. THOMPSON.

Mr. WOODS with Mr. WOOTEN.

Mr. HEATWOLE with Mr. MADDOX.

Mr. DAVIDSON with Mr. McRAE.

On this bill:

Mr. GROSVENOR with Mr. KEHOE.

Mr. FOERDERER with Mr. SMALL.

Mr. MORRELL with Mr. TALBERT.

Mr. CURTIS with Mr. RUPPERT.

Mr. BURKE of South Dakota with Mr. MONDELL.

The result of the vote was announced as above recorded.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

## CHARLES W. FRANKLIN.

On motion of Mr. BINGHAM, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Charles W. Franklin, Fifty-seventh Congress, no adverse report having been made thereon.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON, indefinitely, on account of sickness.

To Mr. LASSITER, for one week, on account of sickness in his family.

To Mr. ROBERTSON of Louisiana, for fifteen days, on account of important business.

## MARGARET KENNEDY.

By unanimous consent, on motion of Mr. BOREING, it was ordered that House Report No. 95, first session Fifty-second

Congress, in the claim of Margaret Kennedy, be reprinted for the use of the House.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8414) granting an increase of pension to George Atkinson;

A bill (H. R. 5888) granting an increase of pension to Peter Poutney;

A bill (H. R. 5961) granting an increase of pension to Charles F. Coles;

A bill (H. R. 7878) granting an increase of pension to William J. Remington;

A bill (H. R. 7618) granting an increase of pension to Thomas Sheridan;

A bill (H. R. 4262) granting an increase of pension to Thomas P. May;

A bill (H. R. 5951) granting an increase of pension to Ole Thompson;

A bill (H. R. 2440) granting an increase of pension to William D. Smith;

A bill (H. R. 3513) granting increase of pension to James W. Young;

A bill (H. R. 8145) granting an increase of pension to Harvey B. Linton;

A bill (H. R. 13848) granting an increase of pension to James H. Chedester;

A bill (H. R. 14774) granting a pension to John C. Clarke;

A bill (H. R. 3825) granting an increase of pension to Lizzie I. Rich;

A bill (H. R. 1347) granting an increase of pension to Charles H. Webb;

A bill (H. R. 10263) granting an increase of pension to Daniel J. Byrnes;

A bill (H. R. 2483) granting a pension to James A. Clifton;

A bill (H. R. 14732) granting an increase of pension to Grace M. Read;

A bill (H. R. 10394) granting a pension to William H. Ruggles;

A bill (H. R. 10325) granting an increase of pension to Joseph Stonesifer;

A bill (H. R. 12777) granting an increase of pension to George H. Young;

A bill (H. R. 10462) granting an increase of pension to Mary A. Munson;

A bill (H. R. 10005) granting an increase of pension to William A. Henderson;

A bill (H. R. 5480) granting an increase of pension to John C. Nelson;

A bill (H. R. 9691) granting an increase of pension to James H. Joseph;

A bill (H. R. 5758) granting an increase of pension to Newton W. Elmendorf;

A bill (H. R. 832) granting an increase of pension to William Clark;

A bill (H. R. 6970) granting an increase of pension to Monora Stimson;

A bill (H. R. 9883) granting an increase of pension to William Kelley;

A bill (H. R. 13690) granting an increase of pension to Freeman B. Gove;

A bill (H. R. 14421) granting an increase of pension to John Q. A. Rider;

A bill (H. R. 13457) granting an increase of pension to John S. Crosser;

A bill (H. R. 11579) granting an increase of pension to John A. Wright;

A bill (H. R. 9807) granting an increase of pension to Hiram Jones;

A bill (H. R. 3745) granting an increase of pension to George Kerr;

A bill (H. R. 12326) granting a pension to John A. Kirkham;

A bill (H. R. 7109) granting an increase of pension to Stanton L. Brabham;

A bill (H. R. 14377) granting an increase of pension to Jennett Stewart;

A bill (H. R. 14055) granting an increase of pension to Samuel Brown;

A bill (H. R. 8146) granting an increase of pension to Thomas M. Owens;

A bill (H. R. 12165) granting an increase of pension to Caroline M. Stone;  
 A bill (H. R. 3330) granting a pension to Calvin Duckworth;  
 A bill (H. R. 9219) granting an increase of pension to Colmore L. Newman;  
 A bill (H. R. 10174) granting a pension to Jennie M. Sawyer;  
 A bill (H. R. 11453) granting a pension to Catharine Freeman;  
 A bill (H. R. 931) granting a pension to Huldah A. Clark;  
 A bill (H. R. 13352) granting an increase of pension to Charles E. Brown;  
 A bill (H. R. 12279) granting a pension to Nancy M. Gunsally;  
 A bill (H. R. 13467) granting a pension to Joseph H. Woodruff;  
 A bill (H. R. 11436) granting an increase of pension to James H. McKnight;  
 A bill (H. R. 5038) granting an increase of pension to William H. Hudson;  
 A bill (H. R. 13943) granting an increase of pension to Charles M. Grainger;  
 A bill (H. R. 14355) granting an increase of pension to Timothy Donohue;  
 A bill (H. R. 14701) granting a pension to Mary A. Peters;  
 A bill (H. R. 6968) granting a pension to Cappa King;  
 A bill (H. R. 6401) granting an increase of pension to David E. Hall;  
 A bill (H. R. 7041) granting an increase of pension to Thomas J. Pleasant;  
 A bill (H. R. 7040) granting an increase of pension to Benjamin Grinnell;  
 A bill (H. R. 6823) granting an increase of pension to Allen W. Merrill;  
 A bill (H. R. 11196) granting a pension to Abbie Bourke;  
 A bill (H. R. 12932) granting a pension to Elizabeth D. Harding;  
 A bill (H. R. 2598) granting an increase of pension to Adrian M. Snyder;  
 A bill (H. R. 12632) granting an increase of pension to Barley O. Bowden;  
 A bill (H. R. 14098) granting an increase of pension to Albert M. Scott;  
 A bill (H. R. 13052) granting an increase of pension to Charles K. Batey;  
 A bill (H. R. 11890) granting an increase of pension to James Brown;  
 A bill (H. R. 1745) granting an increase of pension to Marvin Chandler;  
 A bill (H. R. 5453) granting an increase of pension to Thomas Wilkinson;  
 A bill (H. R. 1090) granting a pension to James E. Bates;  
 A bill (H. R. 3517) granting an increase of pension to Stephen Harris;  
 A bill (H. R. 14144) granting an increase of pension to Fannie S. Cross;  
 A bill (H. R. 11638) granting an increase of pension to Samuel Hyman;  
 A bill (H. R. 6003) granting a pension to Mary Stone;  
 A bill (H. R. 1931) granting an increase of pension to John Ludwig;  
 A bill (H. R. 10679) granting an increase of pension to Charlotte E. Baird;  
 A bill (H. R. 13446) granting an increase of pension to John G. Heiser;  
 A bill (H. R. 12009) granting an increase of pension to George Baker;  
 A bill (H. R. 8856) granting an increase of pension to Leon King;  
 A bill (H. R. 3653) granting an increase of pension to James W. Poor; and  
 A bill (H. R. 5883) granting a pension to Martha A. Hollingsead.  
 The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:  
 A bill (S. 5019) granting an increase of pension to Hannah E. James;  
 A bill (S. 5976) granting an increase of pension to Milton Frazier;  
 A bill (S. 4075) granting a pension to Henry R. Gibbs;  
 A bill (S. 4528) granting a pension to Corydon Millard;  
 A bill (S. 4296) granting a pension to Andrew Ady;  
 A bill (S. 3035) granting an increase of pension to Elias Brewster;  
 A bill (S. 6132) granting an increase of pension to Fannie McHarg;  
 A bill (S. 5816) granting a pension to Etta A. Whitehouse;  
 A bill (S. 1739) granting an increase of pension to William S. Frost;  
 A bill (S. 4752) granting a pension to Betsey Jones;

A bill (S. 5852) granting a pension to Robert P. McRae;  
 A bill (S. 5639) granting a pension to William H. Durham;  
 A bill (S. 6101) granting an increase of pension to Reuben Andrews;  
 A bill (S. 4093) granting an increase of pension to William Barrett;  
 A bill (S. 5812) granting a pension to Wallace Fairbank;  
 A bill (S. 5814) granting a pension to Preston W. Burford;  
 A bill (S. 3970) granting an increase of pension to Mary Elizabeth Fales;  
 A bill (S. 4866) granting an increase of pension of Sara D. Bereman;  
 A bill (S. 3020) granting an increase of pension to Eliza E. Littlefield;  
 A bill (S. 4943) granting an increase of pension to Abraham Park; and  
 A bill (S. 2353) granting an increase of pension to Almond Partridge.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 10761) granting a pension to Anne Bronson;  
 A bill (H. R. 4261) granting an increase of pension to Sanders R. Seamonds;  
 A bill (H. R. 13355) granting an increase of pension to William H. Snyder;  
 A bill (H. R. 13367) granting an increase of pension to Jonathan Walbert;  
 A bill (H. R. 8712) granting an increase of pension to James S. Young;  
 A bill (H. R. 1523) granting a pension to Susan J. Taylor;  
 A bill (H. R. 13665) granting an increase of pension to George R. Baldwin;  
 A bill (H. R. 6481) granting an increase of pension to Millen McMillen;  
 A bill (H. R. 11979) granting an increase of pension to William W. Anderson;  
 A bill (H. R. 10876) granting an increase in the pension of Joseph Mote; and  
 A bill (H. R. 2618) granting an increase of pension to Michael Mullin.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4204) relating to grants of land to the Territory and State of Washington for school purposes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 342) for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. McCUMBER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIX, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 5019. An act granting an increase of pension to Hannah E. James—to the Committee on Invalid Pensions.  
 S. 5976. An act granting an increase of pension to Milton Frazier—to the Committee on Invalid Pensions.  
 S. 4075. An act granting a pension to Henry R. Gibbs—to the Committee on Invalid Pensions.  
 S. 4528. An act granting a pension to Corydon Millard—to the Committee on Invalid Pensions.  
 S. 4296. An act granting a pension to Andrew Ady—to the Committee on Invalid Pensions.  
 S. 3035. An act granting an increase of pension to Elias Brewster—to the Committee on Invalid Pensions.  
 S. 6132. An act granting an increase of pension to Fannie McHarg—to the Committee on Pensions.  
 S. 5816. An act granting a pension to Etta A. Whitehouse—to the Committee on Invalid Pensions.  
 S. 1739. An act granting an increase of pension to William S. Frost—to the Committee on Invalid Pensions.  
 S. 4752. An act granting a pension to Betsey Jones—to the Committee on Invalid Pensions.  
 S. 5852. An act granting a pension to Robert P. McRae—to the Committee on Invalid Pensions.  
 S. 5639. An act granting a pension to William H. Durham—to the Committee on Invalid Pensions.  
 S. 6101. An act granting an increase of pension to Reuben Andrews—to the Committee on Invalid Pensions.  
 S. 4093. An act granting an increase of pension to William Barrett—to the Committee on Invalid Pensions.  
 S. 5812. An act granting a pension to Wallace Fairbank—to the Committee on Invalid Pensions.  
 S. 5814. An act granting a pension to Preston W. Burford—to the Committee on Invalid Pensions.  
 S. 3970. An act granting an increase of pension to Mary Elizabeth Fales—to the Committee on Invalid Pensions.

S. 4866. An act granting an increase of pension to Sara D. Bereman—to the Committee on Invalid Pensions.

S. 3020. An act granting an increase of pension to Eliza F. Littlefield—to the Committee on Invalid Pensions.

S. 4943. An act granting an increase of pension to Abraham Park—to the Committee on Invalid Pensions.

S. 2353. An act granting an increase of pension to Almond Partridge—to the Committee on Invalid Pensions.

S. 3035. An act granting an increase of pension to Elias Brewster—to the Committee on Invalid Pensions.

S. 4296. An act granting a pension to Andrew Ady—to the Committee on Invalid Pensions.

#### BRITISH SCHOONER LILLIE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Claims:

*To the Senate and House of Representatives:*

I transmit herewith for the determination of Congress as to whether relief should not be afforded to the owners of the British schooner *Lillie*, a report of the Secretary of State, with accompanying papers, showing that the vessel sustained damages by a fire which broke out within her while she was being disinfected with sulphur and while she was in charge of the United States quarantine officer at Ship Island, near Biloxi, Miss.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, December 9, 1902.

#### SECOND ANNUAL REPORT OF THE GOVERNOR OF PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, ordered to be printed, and referred to the Committee on Printing:

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of State, accompanying the second annual report of the governor of Porto Rico, and indorse the suggestion that the interest attaching to it may warrant its being printed for the use of Congress.

THEODORE ROOSEVELT.

WHITE HOUSE,  
Washington, December 9, 1902.

#### CASH B. HERMAN.

Mr. HENRY C. SMITH. Mr. Speaker, I call up a resolution from the Committee on Accounts.

The resolution was read, as follows:

*Resolved*, That the Clerk of the House is hereby directed to pay out of the contingent fund of the House miscellaneous items, 1901, the sum of \$57.50 to Cash B. Herman, for services rendered under the Doorkeeper of the House from March 1 to March 23, 1901, inclusive.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Postmaster-General, transmitting a report of the expenditures, the liabilities, and engagements of his Department—to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for Metropolitan police of the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for transcript of records and plats, General Land Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Houston, Tex.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Grand Rapids, Mich.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at Lima, Ohio—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General,

and Attorney-General, submitting a report as to the Federal building at Duluth, Minn.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, Postmaster-General, and Attorney-General, submitting a report as to the Federal building at South Bend, Ind.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the pilot boat *Zephyr*, Edward Stansford, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *William*, Nathaniel Curtis, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a letter from the Assistant Commissioner of the Land Office requesting that the appropriation for the resurvey of the boundary between Colorado, New Mexico, and Oklahoma be made available for the year ending June 30, 1904—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars named therein, as follows:

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1099) authorizing the Secretary of the Navy to return to Harvard University certain colors, silver cup, and Nordenfolt gun, reported the same without amendment, accompanied by a report (No. 2783); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution of the Senate (S. R. 62) to authorize the Secretary of the Navy to donate to the Minnesota Historical Society the steering wheel of the former ship *Minnesota*, reported the same without amendment, accompanied by a report (No. 2787); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes, reported the same with amendments, accompanied by a report (No. 2788); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 15686) for the relief of the legal representatives of Samuel Schiffer—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15419) granting a pension to Maria Elizabeth Horner—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11546) granting a pension to Edward Bryan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12602) granting an increase of pension to Amanda Burke—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15744) granting an increase of pension to Robert H. McBlain—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PAYNE: A bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890—to the Committee on Ways and Means.

By Mr. WILCOX: A bill (H. R. 15795) to pay the judgments rendered under an act of the legislative assembly of the Territory of Hawaii for property destroyed in suppressing the bubonic plague in said Territory in 1899 and 1900—to the Committee on the Territories.

By Mr. KNAPP: A bill (H. R. 15796) providing for the erection of a public building at Watertown, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. HAY: A bill (H. R. 15797) to authorize the reenlistment of Charles Parker, late hospital steward, United States Army—to the Committee on Military Affairs.

By Mr. PRINCE: A bill (H. R. 15798) making an appropriation, to be expended under the direction of the Commissioner of Indian Affairs, for the purpose of purchasing tire-setting machines for the repair of wagons, and so forth, in the Indian service—to the Committee on Indian Affairs.

By Mr. JENKINS: A bill (H. R. 15799) to confirm the name of Seward place for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 15800) extending the provisions of section 1 of act of July 1, 1902, for the further distribution of Reports of the Supreme Court, and for other purposes—to the Committee on the Judiciary.

By Mr. LITTLE: A bill (H. R. 15801) to authorize an exchange of sites for the public buildings of Garland County, Ark.—to the Committee on the Public Lands.

By Mr. WILEY: A bill (H. R. 15802) to authorize the register of the land office at Montgomery, Ala., to give certificates empowering certain persons to enter and take up public lands in certain contingencies, upon surrender by such persons by deeds of conveyance of all claims against homestead entries made on lands to aid in the construction of the Mobile and Girard Railroad of Alabama—to the Committee on the Public Lands.

By Mr. SHERMAN: A bill (H. R. 15803) to regulate and make uniform the rights of persons furnishing to or for vessels supplies, repairs, or other necessities—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 15804) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1904, and for other purposes—to the Union Calendar.

By Mr. SPERRY: A bill (H. R. 15805) to provide for the modification of the project for the improvement of the harbor of New Haven, Conn.—to the Committee on Rivers and Harbors.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15806) granting an extension of Euclid avenue—to the Committee on the District of Columbia.

By Mr. HOPKINS: A bill (H. R. 15807) providing for the taking of the statistics of cities by the Census Bureau every two years—to the Select Committee on the Census.

By Mr. STEWART of New Jersey: A bill (H. R. 15861) to increase the pensions of widows and minor children of soldiers of the war of the rebellion, and also the widows of the soldiers of the war with Mexico—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 15877) requiring corporations doing interstate business to file reports with the Secretary of State, and for other purposes—to the Committee on the Judiciary.

By Mr. TAYLER of Ohio: A bill (H. R. 15878) authorizing and directing the Secretary of the Treasury to acquire a site for a public building in East Liverpool, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 15879) providing for an additional district judge in the district of Minnesota—to the Committee on the Judiciary.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 15808) granting an increase of pension to W. J. Lockhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15809) granting an increase of pension to Clifford Feters—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 15810) granting an increase of pension to Joseph A. McCormick—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 15811) granting a pension to David Copenhaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15812) granting a pension to Lucien B. Love—to the Committee on Pensions.

By Mr. CANDLER: A bill (H. R. 15813) for relief of heirs of Coleman Rogers, deceased—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 15814) granting a pension to William H. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15815) granting a pension to Hattie A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15816) to increase the pension of Andrew J. Millman—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 15817) granting an increase of pension to Albert Srivier—to the Committee on Invalid Pensions.

By Mr. DAYTON: A bill (H. R. 15818) granting a pension to Frances E. Fitz-Gerald—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 15819) granting an increase of pension to John W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to James R. Werts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15821) granting a pension to Julia Wysong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting a pension to Michael Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15823) granting a pension to Andrew Dibert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15824) granting a pension to Ella S. Plank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15825) to correct the military record of John H. Arford—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 15826) providing for the payment of certain money out of town-lot sales to Jacob Crew—to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 15827) granting a pension to Grace Ashton Negley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15828) granting a pension to Emma Cortright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) granting an increase of pension to William Van Riper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15830) granting an increase of pension to George H. Sweet—to the Committee on Pensions.

Also, a bill (H. R. 15831) granting an increase of pension to Mary A. Dishon—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 15832) granting a pension to Sarah A. Bargar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15833) granting a pension to Maggie A. Trimmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15834) granting an increase of pension to Matthew S. Priest—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 15835) for the relief of the trustees of the Evangelical Lutheran Church, of Strasburg, Va.—to the Committee on War Claims.

By Mr. HILDEBRANT: A bill (H. R. 15836) granting a pension to Levi G. Fessenden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15837) in behalf of C. C. Shearer—to the Committee on Claims.

Also, a bill (H. R. 15838) in behalf of Lisette Miller, widow of Andrew C. Miller, second lieutenant Company B, Twelfth Regiment Ohio Volunteer Infantry—to the Committee on Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 15839) granting an increase of pension to Luther Scott—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 15840) granting an increase of pension to Rudolph B. Weyenith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 15841) granting an increase of pension to John Da Silva—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 15842) granting a pension to Mary M. Talcott—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 15843) granting an increase of pension to Louis W. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15844) granting a pension to Lula V. Harris—to the Committee on Invalid Pensions.

By Mr. MARSHALL: A bill (H. R. 15845) granting an increase of pension to Andrew C. Ranard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15846) for the relief of Charles B. Thimens—to the Committee on Claims.

By Mr. MERCER: A bill (H. R. 15847) granting a pension to Thomas Cosgrove—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 15848) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by the United States forces during the war with Spain—to the Committee on War Claims.

Also, a bill (H. R. 15849) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut by United States forces during the war with Spain—to the Committee on War Claims.

Also, a bill (H. R. 15850) authorizing the Secretary of State to pay the claim of the "Compagnie Française des Câbles Télégraphiques" for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war—to the Committee on War Claims.

By Mr. NORTON: A bill (H. R. 15851) granting an increase of pension to Jacob Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15852) granting an increase of pension to Cyrus G. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15853) granting an increase of pension to John L. Milliman—to the Committee on Invalid Pensions.

By Mr. NEVILLE: A bill (H. R. 15854) granting an increase of pension to James F. Lambson—to the Committee on Invalid Pensions.

By Mr. POWERS of Maine: A bill (H. R. 15855) granting a pension to Ambrose W. Severance—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 15856) granting an increase of pension to Joseph Chetney—to the Committee on Invalid Pensions.

By Mr. STARK: A bill (H. R. 15857) granting a pension to Frances A. Hinson—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 15858) granting an increase of pension to Watson Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) granting an increase of pension to John S. Mullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15860) granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 15862) granting a pension to Michael Cribbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15863) granting a pension to George W. Mower—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 15864) granting an increase of pension to Benjamin Knestrict—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15865) granting an increase of pension to William A. Cover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15866) granting a pension to Caleb Ellis—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 15867) granting an increase of pension to Jacob A. Geiger—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 15868) granting a pension to Stephen Rickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15869) granting a pension to William F. Blanchard—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15870) granting an increase of pension to John Smith and repealing an act granting an increase of pension to John Smith approved June 7, 1902—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 15871) granting an increase of pension to William S. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15872) granting an increase of pension to Albert H. Noble—to the Committee on Pensions.

Also, a bill (H. R. 15873) granting a pension to Minerva Murphy—to the Committee on Pensions.

By Mr. HENDERSON: A bill (H. R. 15874) granting a pension to Rebecca R. Greer—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 15875) granting an increase of pension to William F. Benefiel—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15876) granting an increase of pension to Henry M. Wight—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Woman's Home Missionary Society of the First Presbyterian Church of Washington, Pa., opposing the seating of Reed Smoot, of Utah, in the Senate of the United States, and in relation to the admission to statehood of New Mexico and Arizona, and antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of James Noble Post, No. 348, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 18986, introduced by Mr. BALL of Delaware—to the Committee on Invalid Pensions.

By Mr. ADAMSON: Resolutions of the Board of Trade of Columbus, Ga., for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

By Mr. ALEXANDER: Petition of Presbytery of Rochester, N. Y., for the establishment of a laboratory in the Department of Justice at Washington for the study of the criminal classes—to the Committee on the Judiciary.

By Mr. BROWN: Petition of citizens of Shawano, Wis., fa-

voring the passage of Senate bill 3620, relating to Stockbridge Indians of Wisconsin—to the Committee on Indian Affairs.

Also, resolution of Milwaukee common council, in favor of House joint resolution 144—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Butternut, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BURKETT: Papers to accompany House bill 15528, granting a pension to J. C. Williams—to the Committee on Invalid Pensions.

By Mr. CANDLER: Papers to accompany bill for the relief of the heirs of Coleman Rogers, deceased, of Giles County, Tenn.—to the Committee on War Claims.

By Mr. CANNON: Papers to accompany House bill for increase of pension of Andrew J. Milliman—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mrs. B. Matilda Taylor—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for increase of pension of Granville Henderson Bishop—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15129, granting an increase of pension to Ira Bacon—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to William H. Bird—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Hattie A. Smith—to the Committee on Invalid Pensions.

By Mr. CASSINGHAM: Papers to accompany House bill 15465, granting a pension to Mariam Bell—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of Indianapolis (Ind.) Bar Association for the establishment of a laboratory in the Department of Justice at Washington for the study of the criminal classes—to the Committee on the Judiciary.

Also, petition of Samuel J. Mack and others, of Alexandria, Ind., asking for reduction of tax on spirituous liquors—to the Committee on Ways and Means.

By Mr. DAYTON: Papers to accompany House bill granting a pension to Frances E. Fitzgerald—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: Papers to accompany House bill relating to the claim of Lisette Miller—to the Committee on Claims.

Also, petition of C. C. Shearer, of Xenia, Ohio, for the payment of funeral expenses of John G. Kyle, late first lieutenant, First Regiment United States Cavalry—to the Committee on Claims.

Also, paper to accompany House bill granting a pension to Levi G. Fessenden—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of citizens of Ulster County, N. Y., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of retail druggists and citizens of the Twenty-fourth Congressional district of New York in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LITTAUER: Petition of retail druggists of Johnstown, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MANN: Petition of J. W. Allison and other citizens of Chicago, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. MARSHALL: Paper relating to the claim of Charles B. Thimms—to the Committee on Claims.

By Mr. McCLEARY: Petition of Rev. Wilson Aull and other citizens of Worthington, Minn., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, resolutions of St. Paul Camp I, Sons of Veterans, favoring the erection of a monument to Baron Steuben—to the Committee on the Library.

By Mr. OTJEN: Petition of L. Lowe Company and others, urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of George Moon and others, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. POWERS of Maine: Paper to accompany House bill granting an increase of pension to Ambrose W. Severance—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of H. L. Briscoe, heir of Maria Shirley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. SHERMAN: Petition of citizens of Rome, N. Y., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SKILES: Petition of Joseph Barnett and others, for

reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Papers to accompany House bill 7077, granting a pension to Felix Lindsay—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Resolutions of the Chamber of Commerce of St. Paul, Minn., in favor of a tariff commission—to the Committee on Ways and Means.

Also, resolutions of the Winona County Medical Society and Minnesota Unitarian Conference, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. STEWART of New York: Petition of retail druggists of Cooperstown, Catskill, and vicinity, New York, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. WARNOCK: Papers to accompany House bill granting a pension to Benjamin Knestrict—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill for increase of pension of William S. Morris—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to William A. Cover—to the Committee on Invalid Pensions.

Also, papers to accompany bill for a pension to Caleb Ellis—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Minerva Murphy—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Albert H. Noble—to the Committee on Pensions.

## SENATE.

WEDNESDAY, December 10, 1902.

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington. Mr. HENRY M. TELLER, a Senator from the State of Colorado, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### SALES OF OSAGE INDIAN LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of May 10, 1902, a report from the Acting Commissioner of the General Land Office relative to the money received from the sale of the Osage ceded and the Osage trust and the diminished reserve lands in the State of Kansas; which, on motion of Mr. HARRIS, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 7956) providing additional districts for the recording of all instruments required by law to be recorded in the Indian Territory; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Saturday, December 20, they stand adjourned until 12 o'clock meridian Monday, January 5, 1903; in which it requested the concurrence of the Senate.

### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Credit-men's Association, of Rochester, N. Y., praying for the passage of the so-called Ray bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation relative to a reduction of the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. LODGE. I present several telegrams, in the nature of petitions, from business firms of Boston, Mass., relative to the tea duty as affected by a recent decision of the circuit court. The matter is pressing and demands immediate action. I move that the names of the firms be printed in the RECORD and that the telegrams be referred to the Committee on Finance.

The motion was agreed to.

The names of the firms referred to are as follows: Cobb, Bates & Yerka Company, Boston, Mass.; Thomas Wood & Co., Boston, Mass.; Dudley Hall, Boston, Mass.; Winslow, Rand & Watson, Boston, Mass.; Howard W. Spurr Coffee Company, Boston, Mass.; Briggs Seaver Company, Boston, Mass.; H. S. Brown & Co., Boston, Mass.

Mr. LODGE presented a petition of 15 ex-Union soldiers of Massachusetts, praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which was referred to the Committee on Pensions.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the enactment of legislation providing an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a petition of the State Board of Trade of Massachusetts, praying for the enactment of legislation for the Territory of Alaska to open the land to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

Mr. QUARLES presented the petition of A. M. Grau and 94 other citizens of Milwaukee, Wis., praying for the enactment of legislation to amend the internal-revenue laws relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a memorial of the Woman's Christian Temperance Union of Marshfield, Wis., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico; which was ordered to lie on the table.

He also presented the petition of George McKerrow, superintendent of the Farmers' Institute of the University of Wisconsin, Madison, Wis., praying that an appropriation be made for the establishment of a bureau of farmers' institutes in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the common council of Milwaukee, Wis., praying for the enactment of legislation to provide for the commemoration of the semicentennial anniversary of the commencement of the construction of the ship canal between Lake Huron and Lake Superior, at the falls of the St. Marys River, in the State of Wisconsin; which was referred to the Committee on Commerce.

Mr. PATTERSON presented a memorial of the Business Men's Association of Pueblo, Colo., remonstrating against the enactment of legislation to exclude from the United States all aliens over 15 years of age who can not read or write; which was ordered to lie on the table.

Mr. DRYDEN presented the petition of H. M. Nevins, of Redbank, N. J., and the petition of Joseph C. Stevens, of Bloomfield, N. J., praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which were referred to the Committee on Pensions.

He also presented the petition of A. M. Cory, of New Providence, N. J., praying for the enactment of legislation granting pensions to contract surgeons in the war of 1861; which was referred to the Committee on Pensions.

He also presented memorials of the Young Woman's Christian Temperance Society of Haddonfield; of William W. Casselberry, of Haddonfield, and of Samuel J. Curran, of Haddonfield, all in the State of New Jersey, remonstrating against the admission into the Union of the Territories of Arizona, New Mexico, and Oklahoma; which were ordered to lie on the table.

He also presented the petition of D. K. Bayne, president of the Trenton Pottery Company, of Trenton, N. J., praying for the admission into the Union of the Territories of Arizona, New Mexico, and Oklahoma; which was ordered to lie on the table.

He also presented the petition of H. B. H. Slegt, of Newark, N. J., praying for the enactment of legislation to regulate the immigration of aliens into the United States; which was ordered to lie on the table.

He also presented the petition of James F. Rustling, of Trenton, N. J., praying for the enactment of legislation providing for the purchase of Temple Farm, at Yorktown, Va., for the purposes of a national park; which was referred to the Committee on the Library.

He also presented the memorial of P. Sanford Ross, of Jersey City, N. J., remonstrating against the enactment of legislation extending the hydraulic dredge patents of A. B. Bowers for a period of seventeen years; which was referred to the Committee on Patents.

He also presented the petition of Joseph Smolinski, representing the Polish-American organization of America, of Washington, D. C., praying for the erection of a bronze equestrian statue to the memory of the Revolutionary hero Pulaski; which was referred to the Committee on the Library.

### OKLAHOMA AND INDIAN TERRITORY.

Mr. QUAY. Mr. President, I have received a very large number of resolutions and telegrams relating to the statehood bill, which will come up this afternoon, with the request that they be read in the Senate and entered in the RECORD.

I do not think it is worth while to go to the trouble of having them read. I would be glad to have a few of them, which are